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Editor's Notes

THE spotlight in this issue has turned towards the Indian subcontinent, a fascinating area for local government development where new ideas are being put into practice. There may be differences in nomenclature in current use between Pakistan and India and much local variation of methods, but the purposes of the two governments are the same – to bridge the gulf between the people and the administrative machine by the creation of three or four tiers of local councils, to arouse a spirit of self-help and popular participation in the development programmes, to provide basic services and to build up the democratic understanding of the people.

As has been suggested elsewhere,[1] in a world in which local government bodies are being created and designed to contribute to modernization and nation building, the orthodox statements of a century ago are hardly appropriate. John Stuart Mill is being 'stood on his head' and local government is deliberately being created to lessen local separatism and to further national development and conformity. A recent comment[2] of the Ambassador of the Sudan to Pakistan is relevant to this theme of evolving national unity. He sees a pattern that has been common to most of the former European colonies in Africa and to some extent in Asia. The Sudan, he points out, had not been a nation until the indigenous population, formerly grouped into a conglomeration of tribes, came to be vaguely aware of their country as an entity and of themselves as a nation, mainly through the fact that they were treated as a whole for administrative purposes.

The pattern of district administration in Tanganyika has been changing rapidly. The executive and administrative work of district commissioners has been divorced from their legal and judicial responsibilities and three separate and distinct types of official have taken their place – the local government officer, the resident magistrate and the area secretary (who takes over the political functions of the district commissioner). At the same time as this reorganization is proceeding, a phased programme is being undertaken towards a unified court system. A policy statement describing this is printed on page 257.

[1] Review by Dr. Fred Burke of 'The Structure of Local Government Throughout the World,' by Samuel Humes and Eileen M. Martin, in the June, 1962, issue of the American Political Science Review.

[2] See 'Sudan', March/April, 1962.

In this issue we publish an article on land reform in Japan which provides an interesting comparison with the post-war measures taken in India.[3] It has had advantages, such as a well-established land registry, universal literacy among the peasantry and an already weakened paternal landlordism, which have helped towards a successful outcome. We hope that these articles on land reform will be useful to those interested in these problems elsewhere.

The Government of Tanganyika has published proposals[4] for changes in land tenure policy. Freeholds are to be converted to government leasehold. The period of the lease is to be 99 years with option to renew if the land has been properly developed. The government paper states that the government wishes to use its power to procure the development of land. Eastern Nigeria has also emphasized the importance of primary production in its development plan for 1962-68[5] and to this end has allocated token provision for the first steps towards land registration and eventual land consolidation in conjunction with the various planting schemes.

A new Land Tenure Bill is also to be introduced in Northern Nigeria to bring the law relating to land matters up to date.[6] The long term policy there is that cultivators should hold their land on a 99 years lease from government and that a record of rights with a complementary cadastral map should be prepared to establish title and possession. This policy will involve drafting subsidiary legislation under the new land tenure law and it will be initiated in a receptive Emirate and gradually extended to other areas as circumstances permit.

By the time this issue of the Journal is published, the Conference on 'Training for Development' will have met at Cambridge. Most of the countries of the Commonwealth in Africa are sending representatives as well as Liberia, France, the Sudan, the Netherlands, Malaya, Germany, Mauritius, Fiji, Jamaica and the United States. The conclusions will be embodied in a report to be published early in 1963 by Cambridge University Press.

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[3] See *J.L.A.O.*, Vol. 1, No. 2, p. 88; 'Land Reform in India', by Dr. Vera Anstey.
[4] Government Paper No. 2 of 1962; Government Printer, Dar-es-Salaam, 1.40S.
[5] Official Document No. 8 of 1962; Government Printer, Enugu; 7s. 6d.
[6] Speech by the Governor of Northern Nigeria to the House of Assembly on the 14th March, 1962.

Panchayati Raj

Rural Local Government in India

by HENRY MADDICK[1]

ANY description of local government in India – panchayati raj – has to recognize that there is not one system of local government but 9 which in the next two years is likely to become 14, possibly 15, different systems.[2] This article should therefore be recognized as having two limitations. Firstly, the system itself is limited in the main to the rural area and the municipalities will therefore be excluded from the general description. Secondly, the description which is given and the discussion which follows can only be on the broad general pattern although some outstanding deviations from the main trend are mentioned where they are of considerable significance for future development.

The pre-Independence pattern

The subcontinent has had a long history of village local government through the traditional panchayat or village council which at certain times and in some places provided excellent government at a period when social affairs were concerned with communal arrangements for the use of local resources, water, grazing grounds, forests and the provision of an institutional framework in which the different sections of these small communities might live together in relative amity. Nor at that time was there the pressure of population, both human and animal, upon food resources which exists today. Whilst the national administrative system, devised first by the Moghuls and later by the British to meet the contemporary demands of revenue gathering, and of law and order, later enlarged to provide protective health measures and a gradual development of resources through roads, railways and irrigation, the village as a unit remained static or languished. In the main the panchayat system failed. To quote Professor Srinavasan "It is an anomaly that because of the ineffectualness of village councils and their inability to operate, 83 per cent. of the population has no facilities for obtaining such elementary amenities of life as roads, drains, lights, a protected water supply and schools and has no say in what affects them as local communities".[3]

Efforts were made in some states, notably Madras, West Bengal and Bombay, to strengthen the panchayat system and to build an extended system of local government through the creation of district boards. These were given a varying range of functions in the different states, usually including some categories

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[2] At present panchayati raj has been introduced in nine states, namely: Andhra Pradesh, Assam, Madras, Maharashtra, Mysore, Orissa, Punjab, Rajasthan and Uttar Pradesh. Legislation has already been passed in the states of Bihar, Gujarat and Madhya Pradesh and awaits implementation. Kerala, Jammu and Kashmir, and West Bengal, are currently considering the next step in the development of their system which at the moment consists only of panchayats. No account is taken in this article of the Union Territories – Andaman and Nicobar Islands, Laccadive Islands Group, Tripura, Pondicherry and Goa, Delhi, Himachal Pradesh, Manipur, Nagaland, and North-Eastern Frontier Administration.

[3] Srinavasan, N. "Village Government in India", *Far Eastern Quarterly*, 15, 1955-56, p. 213.

of minor roads, responsibility for education up to secondary level and some responsibility for the provision of rural health services. On the whole, although not in every state, this experiment must be judged a failure. It failed partly for lack of money, partly for lack of sufficient discretionary authority to make the work interesting, partly because before 1920, members of the boards were nominated by the British Authority and therefore suspect and after that date when more were directly elected they became involved in the national struggle for independence, and partly because some members of some boards used their position to secure administrative decisions favourable to themselves and their friends.

Alongside these developments there also took place the strengthening of the district administration so that the functions of government outside the revenue and law and order aspects were not only more diffused but also more effectively performed. Thus specialist technical officers were appointed, particularly for agriculture, to the districts or the wider area of divisions.

Stretching as it did from the capital to the remotest village the administrative machine lent itself to the practices of officialdom and petty tyranny. To the village the patwari[4] was for all save the largest landlords a more powerful figure than the remote collector or the even remoter governor. He was a person to be propitiated and this atmosphere extended to most minor officers in direct local contact with the people.

Aftermath of Independence

With Independence, the administrative situation became even more complex. The area of administration and the population to be administered was extended by the accession of princely states even though partition to some extent redressed the balance. State reorganization followed, yet even today some states are still handicapped by having had to absorb those areas which often had had no modern administrative structure. On top of these complications was one of a far more fundamental character and proportionately far greater, namely, the national urge to develop the whole of the country economically and socially at the maximum possible speed. Thus was added to the previous functions of government the implementation of a policy that eventually overshadowed and embraced most of them, namely, the programme of development.

This programme had many aspects and proceeded on different fronts simultaneously. There was the policy of building up industry, of establishing great hydro-electric projects, steel plants, cement and fertilizer factories and all the other undertakings needed by a nation trying to achieve an economy which would become both self-generating and reasonably self-sufficient. What, however, concerns this article more nearly was the multipurpose development programme in the rural areas aimed at increasing agricultural production, developing village industries, and generally raising the standard of production in those areas, so that it would be possible to provide the means for social development, the spread of literacy, the improvement of education, the development of minimum health services, the provision of some care for the destitute and under-privileged, however slender. All these became the accepted national and state targets. To this end, after pilot experiments in Bombay, Madras and Uttar Pradesh, the community development programme was launched

[4] Lowest rank of revenue collector and keeper of the land register of a village or a number of small villages.

ten years ago and this has grown functionally and geographically ever since.

The situation, however, was not regarded with complacency – indeed, far from it. The administrative system ever since 1947 had been subjected to an increasing strain which resulted from the vast increase in the variety and the scope of functions which the government has had to perform. This strain has also been increased by the growth in the number of citizens (some 77 million people over the last decade) for whom the administrative services have to provide. Moreover, as literacy spreads, so the number of people who write letters to the authorities which have to be dealt with increases. Poor communications provide their problems for a government but it is often overlooked that some relief is obtained through the difficulty which the citizen has in making his wishes and his complaints known! Clearly, in these circumstances, the case for decentralizing some of the functions relating to rural development was extremely strong.

The Community Development Ministry recognized these factors by establishing a system of 'blocks' which provided a standard unit within the district for the purposes of administering the development programme. These community development blocks on the average covered a population of 60-80,000 people and through the officers assigned to them, administered the development programmes for agriculture, animal husbandry, education, health, social welfare, co-operation and small scale industries. They generally included an officer responsible for the efficient operation of the village panchayats in the block area. This particular feature was introduced in an attempt to secure the people's participation in the development programme, for without such participation the task of obtaining their acceptance of changes, social and economic upon which improved agricultural programmes depended, was insuperable.

In order to enrich the process of official administrative decision-making a nominated committee was introduced in 1954, the block advisory committee, which advised the block development officer, the chief executive of the development block. This later was reconstituted to include all the chairmen of the village panchayats in the area and was renamed the block development committee. Yet the Government from its constant critical self-appraisal and careful evaluation of the results of these efforts discovered that popular participation in the development programme was lacking and that the programme itself was basically an officially inspired and officially driven affair. This view was supported by the U.N. Community Development Mission and gave cause for grave concern.[5]

In addition to this the political and social leaders of the country have been extremely anxious to build up the democratic understanding of the people. Whilst the quinquennial general elections have produced a voting percentage and an orderly conduct of the election which only a few countries in the world could rival, it was felt that this did not represent the true involvement of the people as a whole in the democratic process, nor was it consonant with the traditional concept of democracy as practised in 'the golden age' of village government. Thus there came together three compelling trends. The desire to foster the democratic involvement of the people throughout the country ; the urgent need for securing their greater participation in the whole development

[5] Report of a Community Development Evaluation Mission in India. United Nations, New York. TAO/IND/31.17.8.59.

programme from the village level upwards; and the imperative demands of the overloaded administrative system at every state capital which was forcing a measure of decentralization. The result was the establishment of democratic decentralization in the form of the panchayati raj system.

The new structure and functions of local government

The seminal report in this situation was that of the Balwantrai Mehta Committee.[6] This report dealt not only with the administration and working of the community development programme but set the broad pattern of the local government system for India. It recommended the establishment of councils of local representatives called panchayati samitis in every block and these were to be the main functional bodies of the local government system. It also recommended the establishment of the zila parishad as a district council at the revenue district level. These recommendations have been followed in many states and thus, there has been created a three-tier structure, the zila parishad at the district level, the panchayati samiti at the block level and the already existing panchayat at the village level. In some states, for example Kerala, Jammu and Kashmir and West Bengal, only the panchayats are in existence. In Madras and Mysore the zila parishad is chaired by the collector and bears a strong resemblance to the old district development committees. But broadly the three-tier pattern has been accepted and, as the political situation permits, it is expected that this will be fully implemented by all states.

It is not possible to give any accurate estimates of the size of the units. Thus whilst the all-India average population of a village panchayat is 1,400, the extremes range between 260 and 36,000.[7] Proportionately this is the greatest range, but there are quite considerable differences in the size of panchayati samiti arising from the geographical situation and the inherited traditional administrative boundaries. Thus some samitis may be over 150,000 and others less than 15,000 whilst the zila parishads range between 60,000 and three million. In area these latter may cover as much as 10,000 sq. miles but the average size would be about 4,000 sq. miles.

The tiered structure is rooted in the gram sabha – the meeting of all adult members of the village. In the majority of states this has yet to be developed as an active and effective institution. In theory it is the meeting of the people who are given by the panches (councillors) of the village an account of their work. This body is to be consulted about the proposed budget and about the drawing up of those plans for development, especially for agricultural production, which will guide the village activities for the next year, or for the next five years in the case of the quinquennial plan. This is the theory. In practice only some states have been able to put it into effect whilst others are wondering how to solve the practical problem of getting villagers together in large numbers and with what powers[8] to endow them.

Whilst a study is currently being made of this section of the structure there is little doubt that the gram sabha will become the means of linking the people with village production plan proposals which in turn will be consolidated by the panchayati samiti and incorporated with their own proposals, and through

[6] Report of the Team for the Study of Community Projects and National Extension Service. Chapter Two, Committee on Plan Projects, New Delhi, November, 1957.

[7] In Uttar Pradesh and Kerala respectively.

[8] In Bihar the 1947 Panchayat Act empowers this village meeting to recall the chairman of the village council and to approve the budget.

the repeating of this process at the zila parishad level the district production plan will reflect closely the wishes and priorities of the people themselves. It must be admitted, however, that this description oversimplifies the problems inherent in building plans from the bottom which will at the national level bear a close relationship to the overall needs of the nation. On the other hand, it has often been assumed, far too easily in the past, that plans issued from the top will be adopted automatically by the villages. Hard experience has shown this to be far from true, and planned targets have remained figures only.

The linking of the villages with the whole local government system comes about in another basic fashion. Elections to the village panchayats are based on universal adult suffrage and are usually by secret ballot. Those elected themselves elect a representative or a chairman who becomes an *ex-officio* representative to the panchayati samiti[9]. The members of that body in turn elect a chairman who becomes their representative on the zila parishad. There are variations in this pattern. In the state of Maharashtra for example, some members of the zila parishad and the panchayati samiti are themselves directly elected, and the representation of the panchayats will be through groupings of panchayats whose members themselves elect a representative to the panchayati samiti. There are a number of combinations of mixed direct and indirect election which have the effect of strengthening or weakening the links between the various units in proportion as those units are made more or less directly responsible to the electorate.[10]

Two other links exist between the tiers. The first is the power of the zila parishad to allocate certain portions of the grants available to the system in respect of the panchayati samitis and by these latter bodies in respect of the panchayats. This power which, it should be noted, does not exist in all states, reinforces the general power to discharge the responsibilities laid upon the zila parishad in every instance to co-ordinate and supervise the work of the panchayati samiti. Generally this turns upon the submission of budgets, of detailed development plans and of periodic progress reports.

The second co-ordinating mechanism within the system is that of the administrative framework. The general administrator[11] and the technical officers at the district level are all responsible for ensuring that the officers in the panchayati samitis, both executive and technical, are functioning efficiently and carrying through programmes properly.[12] Thus the framework exists through common representatives, co-ordinating powers and the official hierarchy to bring together all three levels in a coherent system of local government and administration.

The functions for which the panchayati raj system is made responsible

[9] Provision is made to ensure that special sections of the community are represented. In every state, if no women are elected to the councils, two must be co-opted to the panchayati samiti and the zila parishad and in eight states one or two to the panchayats. In a similar way there must be representatives of the scheduled castes in tribes. In five out of the fifteen states the sarpanch is elected at large.

[10] This does not attempt to describe fully the members of these various bodies for there are arrangements differing from state to state, whereby M.L.A.'s, M.L.C.'s, M.P.'s, Presidents of Municipalities, officers and representatives of the co-operative societies, are *ex-officio* members, some with and some without voting rights. Maharashtra has included only the final category in the above list.

[11] The collector or deputy commissioner, the senior officer at district level – formerly concerned with revenue collection, law and order, now concerned with everything and still regarded by many as 'the eyes and ears' of the government.

[12] An exception to the responsibility of the general administrator is the case of Maharashtra, where he is not thus involved.

whether by legal delegation, by administrative order or upon an agency basis vary widely between the states. In some instances, notably Maharashtra, the great bulk of functions formerly discharged by district boards, by the departments directly through district officers, by the development blocks or by the village panchayats themselves, have been transferred to the appropriate levels of the new three-tier system. Thus all aspects of the agricultural programme affecting the farmer directly such as crop protection, distribution of seeds, fertilizers and implements, pilot projects and demonstrations, plant protection appliances, seed multiplication schemes – all these will be in the hands of panchayati raj units. They have been accorded similar responsibilities in the field of animal husbandry, buildings and communications, education administration including responsibility for secondary education, fisheries, forests, small scale industries, irrigation, medical services, public health, social education and welfare, and for the collection of land revenue. Other states, notably Madras and Rajasthan, have proceeded much more cautiously – for example, in the field of education they have handed over the responsibility for primary education administration and the range of responsibility in every other field is similarly reduced and in some instances virtually non-existent. For the rest states have accorded some functions in most of these fields to the appropriate local unit.

Staffing and finance

Staffing and finance are subjects about which it is equally difficult to generalize, for again state variations are considerable. At the base the staffing pattern consists of village level workers responsible for multi-purpose extension functions and the part-time secretary responsible for recording the business of the panchayat. At the panchayati samiti level the chief executive officer is the block development officer who acts as secretary to the panchayat and is its chief officer responsible for ensuring that decisions of the panchayati samiti are carried out, and the work of the various departments within the block area are co-ordinated. This work is in the hands of extension officers and usually there is provided one extension officer each for agriculture, animal husbandry, education, industries, public works, panchayats, co-operatives and social education.[13] In some states the medical officer in charge of the rural health centre and of public health activities would also be included as an extension officer.

Each of these departments would have an officer at district level who reports to the zila parishad and to the meeting of district officers. Where the zila parishad does not exist the officers form part of the district development board or council which is a nominated organization, sometimes with *ex-officio* members such as the members of the state assemblies and of the Union Parliament, as well as the chairmen of the municipalities. This body is chaired by the collector, the senior officer in the district. The executive officer, where there is a zila parishad, is both secretary and chief officer of that body. In Maharashtra he has the rank and standing of a collector, in some other states that of additional collector and yet others of a deputy collector.

[13] The post of social education officer – responsible for the welfare of women and children, the development of voluntary associations, the spread of adult literacy and generally for the healthy growth of social activities within the villages – is being reconsidered. Some states incline to the co-ordination of these activities with those of the education extension officer, and see this work of social development taking place through the village school teachers, especially women teachers.

The position of the staff *vis-à-vis* the councils varies. Teachers, village level workers, clerks, accounts personnel and the industrial and manipulative grades are members of the zila parishad service. Extension officers, district technical officers and the samiti and parishad executive officers generally are carried on state or all-India cadres. They are, however, on deputation to the local government unit and subject to it for administrative control and minor disciplinary action. In addition the block development officer is their immediate supervisor of all technical activities and is responsible to the samiti for production and other plans being fulfilled, or for explaining any shortfall. In most states periodic conferences are convened at district headquarters by the collector which discuss progress reports by the block development officers and the comments of the district technical officer. As regards technical policy the extension officers are under the control of the district technical officer. For day-to-day administration the control is by the block development officer, who himself receives his instructions regarding the execution of policy from the chairman of the panchayati samiti or from the chairmen of the functional standing committees as the case may be, or in the form of council or committee resolutions.

The subject of finance is also a complex one. Whilst a wide range of minor taxes is available to the different levels of panchayati raj these, with some notable exceptions, are very little used. The habit of self-taxation is one which has yet to be inculcated for there is on the one hand a strong inclination to deny the existence of any taxable capacity and on the other hand to fear the result of the next election if any councillor has the temerity to vote for the levying of a tax. Madras provides an exception to this and there the habit of adding to the State Governments' grants from local taxation is widespread. The major sources available are a surcharge on land revenue for general purposes, and cesses on land revenue for a specified service within a particular area ; house tax, professions tax (including tax on commercial occupations), a wheel tax and a miscellany of minor fees. There are also the profits from certain undertakings and enterprises such as fairs and markets, ferries, religious festivals, flour mills, pisciculture and similar enterprises. But the greatest portion of local revenue comes from grants. These are recurrent and *ad hoc* and come from both the State and Union Governments. The Union Government is primarily concerned with providing grants for the basic development of blocks in accordance with a schematic development budget spread over a ten-year period. There are also grants for certain specified subjects where the Union Government wishes to step up the rate and volume of spending, such as in the field of tribal welfare and the welfare of the depressed classes. For the rest the panchayati raj units look to the State Government and here funds are usually made available for all the activities which have been delegated to the local bodies even though these funds are often woefully inadequate.

Some problems and conclusions

No one would expect a system with such revolutionary content introduced over the area of a subcontinent to be operating without any difficulties. It is typical of India that its leaders should be particularly concerned with the way in which the system is working. Yet, unfortunately, there is a tendency to look for early success before the system has become firmly established and even before the people who are operating it understand what they are trying to do and what sort of change is being wrought by this vast innovation.

There will be in a few years over 210,000 panchayats, 5,000 panchayati samitis and 330 zila parishads. With the system of inter-locking and direct membership varying between states it is impossible to estimate exactly how many elected and co-opted representatives are involved in the system but probably the figure of two million elected would be on the low side.

To the great majority of these the system is a venture into unknown situations. Many have been attracted by the prospect of power with little thought for, or even knowledge of, the responsibilities entailed. Few understand the dependence of the non-officials[14] upon the officials if resources are to be deployed economically and services are to be provided efficiently. Again, many are unaware of the way in which business will be conducted and probably some 25 per cent. of the members are illiterate. Consequently, to them the business of the council has to be explained by word of mouth and budgets and progress statements read out so that they may be aware of expenditure, and the way in which programmes and policies are being fulfilled by their own officers.

A further political problem is the pressure of sectional interests upon the non-official. Castes, the immediate village from which he comes, the wide ramifications of family ties, questions of personal gain, village factions and pressures from those political parties who have supported his candidature, all tend to make the councillor partial in his approach, to the neglect of the interest of the whole area. In short, the knowledge of how to make the council work and the attitudes with which the councillor approaches his responsibilities are generally far from satisfactory – a situation found in every country where a new institutional system is introduced.

To meet this situation a very extensive training programme is planned. It is intended to establish a training centre for non-officials in every district – by the end of the year 100 centres will have been set up. Some states like the Punjab which have just introduced the panchayati raj system endeavoured to provide some orientation for all members before the system started and probably some 70 per cent. of the non-officials have passed through their training camps and centres. Clearly, when dealing with mainly farming people a long course is out of the question and mostly it is found that seven days is the maximum period to secure any kind of constant attendance. Furthermore, if the centre is far from the home of the representative he will not attend. Some states have used the device of sending around teams to hold training camps lasting about three days within each block and sometimes within sub-sections of a block. It is intended that ultimately the training camps and centres shall be organized and staffed by the voluntary organizations interested in the development of panchayati raj, and not by the Government.

Such a training programme can only achieve limited results and much will depend upon the official element not only in the technical execution of the programmes, but also in guidance and counsel for the non-officials in the discharge of their responsibilities for the benefit of the whole community. But, of course, these officers are themselves sailing on an uncharted sea. None of the familiar landmarks are of much use in the direction which they now have to steer. From being in complete control of the organization[15] and the dominant

[14] The name given in India to the elected, co-opted or *ex-officio* member of any representative body to distinguish him from the paid officer and servant of that body. Some chairmen are paid a salary but being the representatives of the people, they are still non-officials.

[15] 'Captain of the team' was the phrase used in the Balvantrai Mehta report (*op. cit.*) to describe the block development officer.

factor in all situations they now have to assume the role of servants and advisers, and this is a change that comes hard, and has come hard to all those in many countries of the world who have had to undergo it. Training or orientation courses are being given to many of these officers – panchayat secretaries for example are being given brief courses in 100 centres established for them. Block development officers and some technical officers are receiving orientation in ten regional centres. Other special courses are being provided and this whole matter is under the urgent consideration of the Union Government.

The position of the officials is not an easy one. For the first time the great majority of them are dealing with a political situation even if this is on a small scale. Without dominating them the officials are having to learn how to influence their councils in order that their knowledge and experience may be taken account of in its deliberations and decisions. All the states have kept the executive officers and the technical officers on state or union cadres whilst deputing the individuals to the authorities to which they are posted. This has provided some measures of independence and security for the officers concerned but many are still subject to very considerable pressure from the chairman, and all have to learn the technique of tactful persuasion and effective intervention in discussions both within and without the council chamber. It will be readily appreciated that tensions and frictions have arisen and some of these have assumed a magnitude which in a less crucial situation would be almost farcical.[16] This relationship is crucial for the healthy growth of the local authority units. Much more needs to be done in the field of training, and particularly training and education on the job, than can yet be provided.

In some states over the last decade, community development has been viewed with jealousy and even hostility by other departments with programmes in the field. So long as community development blocks did not cover the whole area, departments were able to concentrate on what they regarded as their *own* functions as distinct from what they chose to regard as being development activities. These they disregarded even to the extent of not providing normal services within the development blocks.[17] This situation is undergoing rapid changes. By 1963 there will no longer be any areas not covered by the panchayati system and attitudes are steadily being altered. Consequently, most departmental functions in the rural areas other than the very large and specialized activities will depend for their implementation upon panchayati raj units, the non-officials and the officials. This is a radically changed situation and will require a re-appraisal of the way in which departmental policies are translated into action programmes.

It will no longer be possible for a director of a departmental service to rely, as some have deluded themselves into doing in the past, on directives issued to

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[16] For example, one of the most widespread and serious difficulties within the panchayati samitis has been the use of the authority's one jeep. This is usually the only vehicle available for the whole of the local authority staff as well as for the chairman in an area where no other vehicle is satisfactory nor any other transport exists. In some cases personal feuds have arisen as to whether the chairman or the executive officer shall have the key of this vehicle and certainly, taking the country as a whole, there would be ample material for a very bulky doctoral thesis to be written on this subject!

[17] This is not so difficult to understand as may appear at first sight. The technical officers at district level were subject to dual control, vertically from their department and horizontally from the officers at the area level responsible for development. The vertical pressure always dominated the officer as it was upwards that he looked for promotion and if his departmental chiefs were more interested in departmental functions than in development functions then he concentrated on departmental functions.

all officers in the field. He will have to ensure that his district officers and his extension officers can each understand the broad outlines of policy, the dominant conditions and factors which will enable them to guide their local authorities, the essentials which will have to be borne in mind by the councillors so that in their decisions they can match state policy to the particular local conditions. Unless this is done, programmes may peter out somewhere down the chain of command, and yet under tomorrow's changed conditions, there will exist no other programmes which can be implemented by the departments.

Out of many problems which face those responsible for the development of rural India through the new panchayati raj system, two are of crucial significance. The first is how to foster partnership between the officials and non-officials based upon mutual respect for the contribution that each has to make and upon an understanding of the role that each of them has to play. The second problem is to ensure that national and state policies become efficiently executed programmes that cumulatively will provide the advance in economic and social conditions which is the imperative of the present situation. At the same time the methods adopted to secure realization of national and state targets both in the provision of services, and in the volume and type of agricultural production and of rural industrial output, must not be so rigid as to stultify local initiative, enthusiasm and creativity.[18] The balance between these is impossible to define and can only be achieved by a process of trial and error and a sensitivity for the human values involved.

The wider and possibly even more fundamental considerations are those affecting the growth of participation and the promotion of a deeper understanding of democracy. Yet these ambitions have to be set against the increased demands of a population which by 1971 may have increased by 117 million.[19] To meet this challenge a reasonable standard of efficiency has to be aimed at and as far as possible provided for. How far is this compatible with the freedom required to promote democratic participation?

There are many other unanswered questions, for example – what of the municipal areas? The community development programme concentrated solely upon the rural areas on the basis that their general living conditions and resources were below that of the towns and as regards the medium and large-sized municipalities this was broadly correct. The panchayati raj system has so far inherited this policy and excludes all places, however small, with the standing of a municipality. As a result, there has been a severance between these towns, often with as few as 5,000 inhabitants, and the rural areas which surround them. This feature is economically and socially unsound, and moreover many of the smaller bazaar towns are no better off in conditions or resources than are the villages of the same size but which, having a rural classification, are aided by the community development funds. This fact has been recognized in the most recent legislation, that of Gujarat State, which is proposing to bring into the panchayati raj system towns of up to 30,000 population. Some other states have co-opted the chairmen of municipalities to the zila parishads for purposes of planning only. But the problem as a whole has yet to be faced implying, as it does, a revision of the financial regulations regarding

[18] Such rigidity in the past has imposed production methods which in some areas were unsuitable and patterns of expenditure, through schematic budgets, with priorities which even today do not meet the real needs of particular localities.

[19] Third Five Year Plan, p. 22, provisional estimates for population figures. Government of India, New Delhi, 1961.

the non-allocation of development funds to municipal areas and the ultimate consolidation of the department of local self-government (dealing with municipalities) with that of panchayati raj. Moreover the government will have to evolve a programme of community development suitable for these urban areas[20].

The role of the Union Government through its Community Development, Panchayati Raj and Co-operation Department is a very important one but apart from money channelled through it for development purposes, its powers are restricted to education, influence and training. It has encouraged, persuaded and prodded the governments of different states into adopting panchayati raj and through the process of discussion has tried to ensure that what it regards as the fundamental features of the system have been incorporated in all state legislation.

The variety of this legislation, although in part accounted for by a developing policy based upon the experience of those states which introduced the system earlier, also shows the extent to which states have exercised their constitutional independence in this field[21]. If the individual governments are prepared to learn from the successes and failures of systems which differ from their own, out of this variety should come considerable strength. One such variation, for example, is the position of the collector *vis-à-vis* the new system. In some states he is to be found outside the system acting as observer on behalf of the zila parishad, whilst in Andhra Pradesh he is the chairman of the standing committees. Through these sometimes marked and sometimes minute differences, comparisons may be drawn which will give guidance as to the need for this traditional and authoritative representative of government to continue in a system or even to continue to exist at all.

Certainly the whole problem of education, encouragement and supervision has not been squarely faced and the system is confused and in some cases clearly defective. The zila parishads are supposed to supervise the panchayati samitis, but apart from routine office inspection this is an ill-defined charge. The collector and his staff may be charged with this also, yet this may prove difficult if it is to be encouragement and education rather than direction and suspension of the authority. The former is what is needed, but then the supervisors must be trained and moreover their work-load adjusted to allow for the proper discharge of this time-consuming but very important task. More than anything else, success or failure will depend upon leadership, guidance, encouragement and education.

The objectives of the system require definition in terms which are related to everyday working situations and are not just broad philosophical generalizations which so often confuse the issue in such arguments as 'local government means complete independence of any other authority'. Those who are training, those who are supervising, those who are making or having to make the zila parishads and the panchayati samitis work, those who are responsible for implementing technical programmes through local government units, need guidance as to working objectives and the ways in which these can be attained. Probably more than anything else they require a greater understanding of personal

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[20] Practical experiments in urban community development are being carried out in Delhi.

[21] This subject is reserved in the Constitution to State Governments, although in one case presidential signature to a bill was withheld because of its failure to meet certain fundamental requirements of the system.

relations and of ways in which groups can be influenced – non-officials by officials, officials by those officials who need to realize that there is more in leadership than their superior status, and non-officials who must learn the art of guiding officials in ways which preserve their enthusiasm. India suffers from a grave shortage of those who could supply this training, a deficiency the responsibility for which the departments of political science in most universities cannot be entirely absolved.

To introduce a system so revolutionary in its approach and so important in its potential effects requires great courage and the credit must go to the Union Government in the first place, particularly to the Minister of Community Development, Panchayati Raj and Co-operation, Shri S. K. Dey and to the Prime Minister. Yet each state has had to make their own decisions, and upon their courage has depended the resolution to carry through a change which in its most radical form is bound to affect the power of legislators and ministers alike to intervene in situations which affect their personal position. Local patronage will become a more local matter than formerly; petitioners in the capital will decrease.

Problems there are and will be in plenty but there is also wide determination to resolve them. Much evaluation goes on and the danger in the present situation is that too much may be expected too quickly before the systems have settled down. By that time, say 15 years hence, we shall know whether the system has succeeded. If it does not then the results will be grave indeed for development plans, and with them democratic methods of fulfilment will have been found wanting. Basically, however, the system is sound and the will to make it work is widespread. It should make for a great advance in Indian government and administration and be a world-wide example of democratic decentralization.

Elections in Northern Nigeria

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This article discusses the administrative problems involved in the satisfactory conduct of parliamentary elections in Northern Nigeria and contrasts this selection process with the traditional one by discussion in use among the Tiv people of Northern Nigeria.

That part concerned with the conduct of parliamentary elections is based on experience of the federal election of 1959 in Tiv division and the regional election of 1961 in the Kano city constituency.

The traditional selection process among the Tiv people of Northern Nigeria

Although they could hardly be more different, the same principles of judgement operate for both the parliamentary and the traditional selection processes – namely the degree to which they provide an arbitrament of the rival claims acceptable to the participants. While the electoral process does so by being patently free and fair, the traditional process achieves it by allowing an opportunity for the purgation of emotion in the course of selection and by following certain well-defined conventions of traditional political wisdom.

Amongst the Tiv people, chieftainship selection is an extremely important process, since there are no hereditary ruling houses and no traditional chieftainship selectors (as there are in the Hausa kingdoms), the selectors consist of the elders from each kindred of the clan concerned and the field of candidature is open to every member of that clan. Since the whole of the Tiv people trace their descent to one vast family tree, and each extended family group, kindred and clan can indicate its place on that family tree, traditional selection processes depend on these relationships. There is a continual tension between the various branches of the tribe, the clan and the kindred and in any conflict a man will generally side with those nearly related to him against those occupying a more distant position in the family tree, to which the million people of Tiv all belong. To resolve these conflicts the tribe relies on these accepted rules :–

(*a*) *Balance;* the chieftainship selection body consists of the elders of the clan. A suitable size for the selecting body is from 12 to 25 elders. One, two or three elders can be taken from each of the kindreds of which the clan is composed, but whatever the number there must be an equal representation from each kindred to preserve balance.

(*b*) *Rotation;* the most profound of the Tiv aphorisms, into which the political wisdom of the people on selection processes have been distilled, is the saying *Ya man na angbian* (eat and give to your brother). If one side of the clan has held the chieftainship, the next chief must be chosen from the other side, probably from one of the sub-kindreds that have produced the least number of chiefs in the past. To this rule of 'eat and give to your brother', Tiv people will only admit exception where one candidate is quite outstanding.

(*c*) *The battle of argument, not of counting heads;* the concept of a mere counting of supporters of rival candidates is distasteful to Tiv elders. They believe in a battle of argument lasting, if necessary, several days during which they sit

alone removed from contact with other members of the clan and try to reach unanimity through discussion. It is most important that the protagonist of each candidate should be given a long period to argue his case to the meeting. To knock out his candidature on a mere vote taken before the battle of argument is complete would be regarded as a kind of cheating and would leave the out-numbered kindred dissatisfied with the result. Every kindred and sub-kindred generally feels obliged to put forward the claims of its favourite son, and are naturally disappointed when those claims are not successful. It is only by allowing the elders a full opportunity to put forward the case of their own candidate in an effort to convince others to their way of thinking that the tensions can be resolved. By a well understood convention of courtesy, the elders of the kindred or the side of the selecting body whose claim is the weakest are allowed the longest time to talk, so that when at last they have to give in and admit that their claim cannot be sustained they are satisfied by feeling that they have put up a good fight.

(*d*) *The attempt to produce agreement by the elimination of the weakest;* in any clan there are usually more than two candidates produced, since each sub-kindred usually puts forward the claims of its favourite son. In order to reduce the number of candidates it is necessary to get each group of sub-kindreds forming part of a single kindred to reduce the number of its candidates to one. Since the sub-kindreds are usually unable to do this by themselves, the best technique is to enlist the support of other kindreds not involved in this conflict by saying to them 'your brothers are in difficulty and just as a man cannot see his own back, so these sub-kindreds cannot settle their differences without the aid of an outsider. You must help them to reduce their candidates to one'. The other kindreds then offer advice which will eventually be accepted. Those sub-kindreds whose claims have been defeated must then be congratulated on having put up a good fight and be persuaded to line up behind the candidate for the whole kindred. This process continues until there are only two candidates. When difficulties arise, the uncommitted kindreds, who are not more closely related to one candidate than to the other, are therefore called upon to decide between rival claimants within another kindred. This process fulfils an essential need. If a clan is divided between kindred 'A' and kindred 'B', and it is known that kindred 'A' is likely to produce the chief, clearly the men of kindred 'A' are more likely to be satisfied with the choice than those of 'B'. To compensate for the disagreeable fact of having to submit to the rule of a person from another kindred, the elders of kindred 'B' have the pleasure of deciding which of the candidates from kindred 'A' shall rule over them. Then the men of kindred 'A' will be attached to the new chief because he is their son, while the men of kindred 'B' will be attached to him because they selected him out of many candidates from 'A'. The dispute between the final two contestants is usually settled on the basis of 'eat and give to your brother', the side of the clan whose turn it is to 'eat' being successful.

(*e*) *Freedom from outside interference;* in practice certain influences from outside the clan generally make themselves felt behind the scenes since it is almost impossible to eliminate them, but at least in so far as the controllable part of the selection process is concerned it is of the utmost importance to impress upon the elders that the choice is theirs, and not that of the administrative officer or of the central native authority of the tribe. If the selectors are having difficulty in resolving their dispute, the outsider can only help as a kind of

intellectual midwife, by employing the techniques already described, to enable the elders to reduce the number of candidates for themselves. The one golden rule is to leave the elders entirely alone for as long a period as possible, and to come to them respectfully from time to time to ask if they have reached a decision on the particular point which they have reached in the selection process. If they have not, one must leave them for a further long period. A good selection process may require anything up to 20 hours of discussion among the elders, and to attempt to rush things is to upset them. The seriousness with which they take their discussion and the clearness with which they observe the conventions is most impressive.

(*f*) *The primacy of the concept of the 'mending of the land';* when the elders come together for a chieftainship selection they will say that they have only one purpose, the 'mending of the land', and that they consider this task to be the most important which anyone can be called upon to perform. It involves the resolving of tensions, the purging of emotions through prolonged conflict in argument, and the attempt to arrive at the right solution for the clan. To listen to the deliberations of the elders throughout a selection process is a most moving experience. Loud argument and complaint alternates with periods of prolonged silence or with the pleading of some elder with his fellows in a low and measured voice. The whole process has the satisfying quality of a work of art.

For the final stages of the selection process, the clan heads of the neighbouring districts, the Tor Tiv (the chief of all Tiv) and the senior clan head or 'father' of that particular group of clans, come to hear the discussion. The more august the assembly, the more satisfactory the process. Finally the last opposing kindred acknowledges itself defeated, and agrees to accept the new chief, who is then taken by the hand by an elder of the clan (usually the very elder who has previously opposed his candidature) and is offered to the 'father' of the group of clans and to the Tor Tiv as the new clan head. The new chief is sworn to do justice and not to bear malice against those who have opposed his candidature, but to accept all alike. His supporters then collect around him and take him away in a chorus of victory and rejoicing. When one hears this, one knows that the tension is relaxed and that the traditional wisdom of the people has again expressed itself through a selection process, which is at once a battle, a purgation and a reconciliation.

Parliamentary elections

A measure of the success of the way that a parliamentary election is run is the degree to which all the parties concerned accept it as a fair arbitrament to their electoral conflict. This means that the process must not only be, but appear to be, fair and secret, so that not even the most captious of losing parties can have grounds for complaint, nor the most timid or illiterate voter fear that, when he is casting his ballot in the polling booth, there is any possibility of anyone ever finding out the way that he has voted. If this part of the article seems to be unduly concerned with ways to stop cheating, it is not because it is thought that there was any unfairness in the elections described, but because the object of an electoral procedure is just to eliminate all possibility of dishonest practice. The unfortunate electoral experience of some independent countries indicates that this is a task of some importance, worthy of detailed consideration.

The procedure for the conduct of parliamentary elections has already been

described at length in the study by Professor Macmillan, Robinson, Price Whittaker and others in 'Five Elections in Africa'. It is not proposed to duplicate their work but to supplement it and to suggest a few possible ways to make the procedure more satisfactory.

Registration of voters

The electoral process consists of two quite separate parts, the registration and the polling. The first of these is a prolonged process, which in Nigeria continued for six weeks, during which assistant registration officers were sent out to record the names from which the lists of voters were to be prepared. For this purpose each constituency was divided into registration areas with a maximum of two thousand potential voters in each. An assistant registration officer was appointed to each registration area. His job was to tour his area throughout the registration period, according to a prescribed schedule, in order to attempt to register all the voters in it. In order to obtain as near complete registration as possible a full scale operation of publicity and organization was mounted at a federal, regional, provincial, divisional and constituency level. High priority was given to this work and a considerable degree of interruption of other governmental activities was accepted as a necessary price to pay for obtaining good results. An officer of senior service status was put in charge of each constituency and made responsible for obtaining satisfactory results during the registration. In each province an administrative officer was appointed senior federal electoral officer, and found himself fully occupied on these duties for several months. In each division the district officer assumed the duties of registration officer which took up about half of his working time over a period of nearly two months. All the electoral staff from the highest level to the lowest were paid a generous honorarium by the Federal Government (in addition to their normal salaries) and the total cost of the registration was over £1,000 in every constituency.

The demarcation of the registration areas was easily accomplished with the advice of the clan and kindred heads, whose knowledge of the location and structure of kindred groups was most comprehensive. The registration areas did not for the most part correspond to existing administrative units, but fortunately every Tiv man was able to know with certainty the sub-kindred group to which he belonged. Since these details were already recorded in the tax registers, and in the district folders, a fully satisfactory delineation of registration areas was achieved for each constituency.

The assistant registration officers were selected by the senior officer in charge of each constituency and trained by him. Since the honorarium for the assistant registration officers was generous, the job was in great demand by clerks, teachers, educated applicants and others. Preliminary selection was made by test and standards were maintained by having a rigorous examination on electoral procedure at the close of the three-day training period so that the less diligent could be excluded. As far as possible men of the actual clan to be registered were used for the registration of that clan. An attempt was made to exclude men of very pronounced political sympathies, though this was not easy since every educated Tiv man had decided political views in support of one or other of the competing parties. As soon as it came to be realized that the registration work was highly paid, and that active politicians would not be employed, every applicant hid his political views and declared that he

supported no party at all. However, a satisfactory result was achieved by circulating the list of the assistant registration officers whom we intended to employ to all the political parties in the area, asking them whether they objected to any particular person on the grounds that he was an active member of an opposing party. Only three were objected to out of 123 selected, and they were replaced.

There is a difference of opinion as to how far it is advisable to use the co-operation of the political parties in making satisfactory arrangements for the registration and polling in an election. They must not be allowed to presume that they have any authority in these matters but, on the other hand, if representatives of all parties are assembled from time to time so that the arrangements can be explained to them, and if they are kept fully informed and allowed to make objections at a preliminary stage to the employment of any particular person as an assistant registration officer whom they can show to be an active member of another party, an atmosphere of confidence is created. The parties, being fully 'in the picture', know that the arrangements are fair, and can discount the wild rumours which would otherwise spread as to alleged malpractices. When they have already agreed to the employment of a particular person in the registration or in the polling process, it is more difficult for them at a later date to complain that it was carried out with partiality. The procedure in French Africa by which electoral arrangements are made by a 'commission' on which all parties are represented, with an administrative officer as chairman, carries this process further than seems desirable, but the principle of introducing the parties to the electoral arrangements has psychological advantages.

The parties were of great assistance in persuading their supporters to remember to register and in explaining the registration procedure to them. A difficulty was encountered when the agents of one well organized party tried to sit close to the assistant registration officer while he was registering voters, and to sell the voters a party card as soon as they had been registered. Amongst an illiterate electorate, this could easily create the impression that this particular party, which had wide support in the area, had some connexion with the registration cards issued by the assistant registration officer. This problem was not dealt with in the registration regulations, but a satisfactory *ad hoc* rule was worked out with all the parties by which a party agent could either sit with the assistant registration officer to witness the registration process and, in this case, remain entirely silent and forbear from all political activity, or he could remain at least fifty yards away and carry on any political activity which he wished.

The registration process consisted principally of the voter filling in a short registration form, which he signed. This could be done by the assistant registration officer on behalf of the voter, in his presence. The form was given a letter prefix corresponding to the sub-units into which each registration area was divided, and a serial number in that sub-unit. It was then kept by the assistant registration officer in a file, each sub-unit having its own letter and its own file. The correct serial number for each form was obtained by the assistant registration officer looking at the last form in his file and adding one. This simple process sometimes proved too difficult for one or two assistant registration officers so that gaps appeared in the serial numbering of the final list. A few instances occurred of two people being given the same serial number, but the supervising staff were able to detect and remedy them.

It is a tribute to the care which the assistant registration officers took in their work that although 120 of them were employed in Tiv division, and each assistant registration officer had an average of six files full of forms, none were lost, and that after they had been collected and handed to the provincial senior electoral officer, they were found adequate for the preparation of a substantially accurate list of the 180,000 voters in the division. The final total of registration was over ninety-six per cent. of the potential total number of voters. Similar results were obtained all over Northern Nigeria.

As each voter was registered he was given a small 'registration card' with a serial number corresponding to his number on the registration form and on the electoral list. The card also showed his constituency and registration area, but it did not bear his name. This omission caused considerable confusion, since most of the voters were illiterate and lived in large compounds. Many handed their registration cards to the compound head for safe keeping, but when the time came for polling, the illiterate compound head who had not made a note of the number of each man's card had great difficulty in knowing which card belonged to which voter and, in fact gave the wrong cards to several voters. It would appear that a more satisfactory result would have been achieved by writing the name of each voter on his card.

The possession of another person's card was an electoral offence, though in practice it happened so often, for the reasons mentioned, that it proved inadvisable to prosecute. Allegations did, however, arise from time to time that political party secretaries were collecting people's cards. Some confusion existed in the popular mind from the misconception that the possession of a card was the decisive factor in the entitlement to vote whereas, in fact, the card was a mere convenience to assist the polling staff in locating a voter's name on the electoral list. Inclusion on this list indicated an entitlement to vote. Perhaps some other name such as 'reminder card' might have been more suitable than 'registration card'.

The preliminary electoral list of names was displayed in every constituency. Any voter could object, on a special form, to the inclusion of a particular name in the register. A senior officer, not involved in the supervision of the registration, was deputed to hear the objections, receiving an honorarium of £5 a day for his services. In one constituency of the Western Region, many hundreds of objections were received from the officials of a particular political party against the inclusion of the names of their opponents, but in the Northern Region objections were not numerous and were made almost entirely on the grounds of age (the electoral regulations provided that to qualify for registration a person must be male, at least 21 years of age and either native to that area or resident in it on a particular date).

After the hearing of the objections, the final list of voters' names was prepared and printed. Copies were available to all purchasers at the high price of £10 a copy per constituency. Some enterprising native authorities bought a copy of the list to use as a guide to assist them in tracking down tax defaulters who had escaped inclusion in the tax assessment lists. This practice was not encouraged since it might make voters less keen to register in future.

The registration operation was a kind of 'set piece attack' and as such was given a high administrative priority and much supervision at all levels. The result was most successful throughout the Region, but whether it will be possible to establish a continuous process for revision of the register as new voters

reach the qualifying age is more doubtful. The register made in 1959 has not yet been revised and was used for both the federal elections of 1959 and the regional elections of 1961. Eventually it will be necessary to establish machinery for the revision of this list either by a continuous process through a particular office or by further 'set piece' operations at intervals of two years or less.

The machinery for polling

The second and decisive part of the electoral process is the machinery for polling. This involves careful preliminary planning such as that needed to produce a successful 'D Day'. Once the polling staff have reached their stations and opened the poll, it is generally too late to remedy any errors. They are often too far away from the main road to be supervised. Therefore, they have to be trained to be word perfect in the electoral procedures. This is the more necessary since the conduct of the election is precisely laid down in detailed and lengthy electoral regulations. Failure to observe these regulations in any of the 50 or so polling stations into which each constituency is divided may result in an unsuccessful candidate bringing a successful electoral petition before the High Court against the officer responsible for the conduct of the election. The difficulty of conducting elections in these circumstances is that it is necessary to obtain these exacting standards under the eye of critical party agents and organizations, with polling staff who are liable to make elementary errors unless most carefully instructed. The polling operation required an even more concentrated effort than did the registration. For the three or four weeks before polling day, at least half the time and energy of administrative, educational and technical officers, teachers, clerks and senior scholars in each province had to be spent on preparing for the election.

The first problem was nomination. This only involved the provincial or divisional electoral officers and would have presented no difficulty had it not been for the tendency of candidates to delay the submission of their nomination papers until the last possible moment. They were then apt to find that they contravened some regulation, that their proposers or seconders were not qualified, or that they had failed to pay the required deposit into the treasury and to obtain a receipt for it. The cases which arise from the failure of a candidate to submit a valid nomination paper in time may present the adjudicating officer with a difficult decision as to whether or not a certain nomination is valid; whatever his ruling, he is likely to be attacked by one party as partial. For this reason it is most important that those who frame electoral regulations should make the nomination procedure as simple and as clearly defined as possible. Uncontested elections, where the candidate of one party has had to be declared not properly nominated owing to some error on his part in filling up the nomination form, have a bad political effect. Experience in other independent African countries indicates that this can happen frequently, giving rise to allegations of political partiality. In the Nigerian elections, however, such errors were rare and, when they did occur, the decisions made were manifestly fair.

The Electoral Regulations provided that no more than 500 voters should vote at one polling station. Each registration area was therefore sub-divided into suitable polling areas, defined so that each voter would know, by the sub-area to which he belonged and by the letter on his registration card, the

particular polling station where he would vote. The native authority assisted in this operation. It was also necessary to choose the site of the polling station carefully so that neither party could allege that it was in the compound of an active politician. Full lists of polling areas and stations were prepared well before the polling day and circulated to all parties.

The choice of the presiding and polling staff to take charge of the polling stations presented some problems. In at least one constituency in Northern Nigeria, allegations by the supporters of one party that the polling staff all belonged to the other party resulted in some disturbances.

In Tiv a list of some 1,500 names of clerks, teachers, teachers-in-training, secondary school boys, and applicants of standard six level, was prepared. This list was then submitted to a meeting of representatives of all political parties in the division to ask them to eliminate any person whom they knew to be an active politician and in whom, in consequence, they did not have confidence. At first the parties objected to groups of names *en bloc*. One party alleged that all pupils at mission schools supported their opponents. Another party objected to all the staff employed in the native authority adult education department, because the head of that department was a candidate in the elections. There was considerable tension between the parties at this time, but after some ten hours of argument, the objections were resolved and a satisfactory list agreed upon by all parties. This lengthy procedure is only necessary where the political atmosphere is very tense; in Kano it was sufficient to exclude any persons who were known to be very active in politics, and then to circulate the final list of names to all parties to give them a chance to object to any person whom they considered to be an active member of an opposing party. Out of 150 names, only four were objected to and these were changed.

The training of the staff was carried out by the senior officer in charge of each constituency. The basic voting process consisted of finding the voter's name on a list, marking it clearly with a line, stamping his registration card (if he had one), copying the number of the card on to the counterfoil of the ballot paper, marking his finger nail with indelible ink, tearing off the ballot paper, stamping it with a special security stamp and giving it to the voter to take into the polling booth. There, a set of metal boxes, each marked with the name and symbol of a candidate, were nailed on to a board side by side, and the voter, entirely alone and out of sight, put his ballot paper in the box of the candidate of his choice.

Prior to the election, the electoral commission and the electoral staff had been troubled by fears of many elaborate methods of attempted fraud. In fact the voters were entirely orderly on polling day. On the whole, their behaviour was more correct in the first election in which they took part (the federal election of 1959) than in the second (the regional election of 1961). There is some evidence that the initial good results may have been because all parties and voters were overawed by the elaborate electoral procedure introduced to them with such care by the administration, and hedged around with so many legal penalties for abuse. At later elections there may not continue to be such faith in the ability of the electoral procedure to prevent corrupt practices, but certain precautions can be taken to prevent them becoming less fair and orderly.

The most important part of the polling station is the polling booth. It is quite vital that this should be high enough; the provision of an extra foot of matting above the height of the tallest voter creates an impression of seclusion

and secrecy, which is lost if the voter has to bend slightly in order to get below the line of vision. It might well be of advantage to lay down a minimum height of seven feet for each polling station. The entrance to the station has to be so shaped that it is impossible for anyone standing outside the polling booth to see anything within four or five feet of the boxes. Entrances which are built so that it is possible to see the voter inside, even though the boxes themselves are not visible, are not satisfactory, since they do not give the impression of invisibility. If an open-air polling booth is being used, the entrance should be not more than three feet broad, the boxes being placed on the rear wall in such a way that when the voter enters he has to turn in order to face them. The material of which the booth is made must be chosen with care. Baft sheeting, which was used in the federal elections, is unsatisfactory unless reinforced with matting since, when the sun is in a certain position, it throws the silhouette of the voter through a single layer of baft. Whatever materials are used, they must be rigidly tested for transparency in all possible lights. Satisfactory results can be achieved with two layers of matting, or with a layer of matting and a layer of baft, or with wooden screens (though these are expensive).

Where possible, it is advisable to have polling booths in buildings rather than in the open since additional protection is available to the voter, who can be unobserved if the polling booth is made by screening off a corner of the room well away from the windows. Alternatively, a small inner room such as a store can be used, the door being left ajar and screens provided at right angles to the wall. It is important to have clear and explicit regulations to lay down the dimensions and materials necessary to safeguard the secrecy and invisibility of the polling booth.

In Nigeria, parliamentary elections have been conducted upon the multiple box system, the safety of which depends upon it being quite impossible for anyone to open a box and remove any of the papers in it to put them in another box. This is a less secure method than those, such as the use of envelopes in French Africa or the marking of ballot papers bearing the names and symbols of candidates, where the ballot paper itself would have to be tampered with in order to falsify the results. A further weakness is that it is necessary for the presiding officer at each polling station to show the open and empty box to the candidates before the beginning of the poll, and then to lock it in such a way that no one can open it until it reaches the counting centre. This implies the use of an automatic lock, but unless some safeguard is provided, the presiding officer may well lock the box by mistake when he is on his way to the polling station. If he does this, he is likely to be out of reach of anyone with a key because there is only one for each constituency and this is kept by the officer in charge. He would then be unable to show the candidates the open empty box at the beginning of the poll. Catches are provided to prevent the box from locking unless they are removed, but as a few presiding officers forgot to remove them, some boxes in one or two constituencies arrived at counting stations unlocked. Additional protection was provided by a seal and a lace passing through small holes in the box and the lid, but the seals were liable to break if the boxes were rough-handled on their way to the polling station. It is highly unlikely that any dishonesty occurred in any of the constituencies during the two elections described, but some other method might well be considered for future use.

The issue of the ballot papers presents some difficulty because the presiding and polling officers require them a day or two before the opening of the poll

when a polling station is in the bush far away from the road. Unfounded rumours were continually spread that ballot papers had been discovered in places where they should not have been. There seems, however, no alternative to this procedure; the safety of the papers is partly guaranteed by issuing them inside an envelope, sealed by the officer in charge of the constituency, which is only opened in front of the party agents by the presiding officer on the morning of the poll. The same safeguard applies to the security seal or stamp issued to the presiding officer for the stamping of the ballot paper.

The polling agents of the candidates present some problems. The right of the candidates to appoint an agent to each polling station, as witnesses to all the activities of the polling staff, is quite vital to fair election. Where elections are no longer entirely fair, the exclusion of the polling agents of the opposition candidates is one of the first steps taken by an authority wishing to falsify an election. In Nigeria there was no unfairness, but a difficulty did arise in that the regulations required a candidate to specify by name his polling agent at each polling station, and to inform the officer in charge of the constituency personally of any change in these names. In practice, the organizations of the parties were not efficient enough in most areas for the agents to be sent to the specified stations. A strict adherence to the rules would have resulted in several stations having no polling agents, which would have been psychologically undesirable. By mutual agreement between all the parties and the electoral officer, the rigour of the regulations were somewhat relaxed, but they could probably be profitably amended to allow one agent to be present at any one polling station without the need to specify who should go where.

It is the normal practice in British elections for the agent to mark off on a list of voters the names of those who have come to vote so that any party supporters who have failed to present themselves can be reminded to attend. The electoral regulations in Nigeria make it doubtful how far it is lawful for the polling agents to do this.

Loss of secrecy can result from the practice (laid down in the regulations) of copying the number of the voter on the electoral list to the counterfoil of the ballot paper. After counting the ballot papers at the close of the poll, the papers and counterfoils are sealed up in an envelope and kept by the electoral officer for six months before being destroyed. No loss of secrecy occurred on this score in Nigeria, but in unscrupulous hands this procedure could make the voters wonder whether their number might not one day be matched up with the ballot paper after it had been taken out of the ballot box and put in the envelope for the candidate for whom he voted. It is doubtful if the writing of the voter's name on the counterfoil of the ballot paper in fact served any useful purpose.

In order that the party agents can see that the boxes are not tampered with on their way from the polling stations to the counting station, the polling agents of the candidates are allowed to accompany the boxes. In practice, however, at the end of the day's poll, the polling staff wish to bring in their boxes as rapidly as possible and it is impossible to find room on the lorries for an agent from each polling station. It suffices if one agent from each party accompanies each lorry. In Kano, the supporters of a particular party were so suspicious of the polling staff and so fearful that their boxes would be opened on their way to the counting centre that they wished to take possession of their boxes at the close of the poll and march with them to the counting station. An hour after the close of the poll, the supporters of this party crowded on to

the streets and around the polling stations trying to take possession of the boxes from the polling staff. Only with some difficulty and after the fortunate coincidence of a violent rainstorm was it possible to collect the boxes intact and bring them to the counting station. Even at the school where the boxes were to be opened and counted, there was difficulty in preventing the agents from pushing their way through the door and coming to the room where the counting was to take place. This part of the operation was to be witnessed by two counting agents from each side.

The layout of the counting centre is fairly simple. The returning officer, who is a senior officer not involved in the actual process of running the polling is responsible and employs some eight or nine counting clerks. As the boxes come in they are removed from the planks to which they are fixed and opened by the returning officer in front of the clerks and the counting agents. The counting clerks remove the votes from each box, count them out in tens and, when they have finished, tell the returning officer the results for each station. He enters the results for each station on a form, which is the definitive record of the result of the election. In practice, no dispute or allegation appears to have arisen with respect to the counting side of the electoral process.

During the counting of votes from each polling station, the counting agents of each party can see which villages have voted in favour of their party and which have voted against it. There is nothing to prevent the agents from keeping a record of the results at each polling station, and later threatening to punish those villages which have voted against the party which has most power. Normally results are not published below a constituency level, but the parties can obtain the results at each polling station from the counting agents. It is difficult to see how this potential source of intimidation can be removed.

A difficulty in the Kano city election which nearly caused a riot at one station arose from the problem of the blind voters. In one ward, the 'ward of the blind men', there were nearly 200 blind voters. The regulations stipulated that a blind man could take a 'person of his choice' into the polling booth with him. In this particular ward the blind men arrived together in a body with a guide provided by one of the political parties, who then demanded the right to accompany each blind man in turn into the polling booth. This was clearly a demand which was within the regulations if each blind man asked for this particular guide to accompany him, yet if one of them had refused the services of this guide, and asked to go in with another of this choice, it would have been clear that he had done so with the intention of voting for another party. Thus the secrecy of the blind man's vote was compromised. The supporters of the opposite party at this station were so incensed at the arrival of the blind men with one guide that they threatened to storm the polling station or to drive the blind men away. A more satisfactory wording of the regulations would be to provide for a blind man to go into the polling booth with the presiding officer, who could then point out each box to him. Alternatively, some express provision could be made prohibiting one guide from accompanying more than one blind man.

Many voters lost their registration cards. This presented the polling staff with the considerable task of searching the registers to find their names. In a society where many people bear one common name such as Musa or Yakubu, followed by a nickname which may change from time to time, this is not always easy. In spite of these difficulties the polling staff dealt with an average of 100

voters every hour, and polling was complete almost everywhere long before the time for the close of the poll.

In Tiv division the discipline and order of the voters was so good that the whole of the electorate arrived at the polling station at least an hour before the time fixed for the opening of the poll, and stood in queues in perfect silence waiting their turn to vote. By mid-day, over ninety-five per cent. of the registered voters had recorded their votes. The remainder had either died since the register was prepared or left the area or gone to prison. In effect an almost complete poll was achieved. The calm and orderly casting of votes by the electorate contrasted strongly with the disorder and political fights which characterized the period prior to polling day. It provided the strongest possible proof that the arbitrament of the ballot was something understood and valued in the area.

The preservation of the faith of the electorate in the fairness and secrecy of the electoral arbitrament, which is the foundation of the whole structure of the democratic government of the state, depends to some extent upon the maintenance of practical administrative precautions such as those outlined in this article.

The political stability of some independent countries might be improved if a convention was established that an outside authority such as the United Nations, or an independent world-wide organization known for its integrity, could run elections as required and certify them as fair in the same way that an independent firm of auditors checks the books of a company and certifies them as correct. In the present climate of opinion this would be regarded as derogatory to national dignity, but the time may come when countries realize that this is not so, and that in societies where allegations of political cheating are common, the organization of elections at the highest level by an outside authority which is in no way subject to pressure might guarantee their fairness and remove their result from questioning by the losing party.

Local Government in Nigeria

Some suggestions for solving the problems of Structure and Finance

by E. A. TUGBIYELE[1]

IN most of our thinking and planning in Africa in general, and in Nigeria in particular, our greatest enemy and maybe our woe is what can be called *naiveté*. We always want to feel 'civilized' or 'modern'. In the process, we tend to think that anything not done or planned on the British, American or western model is shamefully primitive, odd, and out of place. More originality could solve most of our problems. Government and political systems and practices are not easy commodities for export, for local social, economic, historical, and other conditions must always be taken into consideration. Caution is necessary, and the policy of 'trial by error' guided by careful thought and planning may have to be the rule.

The need for a pragmatic rather than a theoretical approach should be kept in mind when reading the following brief account of the present structure of local government in Nigeria and Ghana.

Northern Nigeria

The composition of the native authorities in Northern Nigeria was as follows on the 1st June, 1961 :–

(*a*)	Chief and traditional members only	1
(*b*)	Chief, traditional and nominated members	20
(*c*)	Chief, traditional, nominated and an elected minority of members	14
(*d*)	Chief, traditional, nominated and an elected majority of members	32
(*e*)	3 Chiefs and all elected	1
(*f*)	District officers (as sole administrators in Tiv and Zuru) ...	2
	TOTAL ...	70

Besides, there were 49 sub-native authorities, making a total of 119 native authorities, using 62 treasuries (two or three authorities are sometimes served by one treasury). They vary widely in size; the Dass Native Authority in Bauchi, for example, is not as big as a village in the Kano Native Authority area.

Each native authority makes its own rules for inclusion in its Standing Orders. Contracts above a certain figure must go to the native authority council for approval. The appointment and promotion of junior staff are carried out by sub-committees, but those above a certain grade must be referred to the council for consideration.

Councils are of two types: the cabinet type, generally consisting of chiefs and a few councillors where each member has a portfolio and meetings are held in private, and the parliamentary type, which is to be found in the southern areas where there may be many committees (the 'cabinet type' sometimes has a finance committee). Apart from establishing 13 new provincial authorities, it

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seems no early major reform is contemplated although present thinking is towards more elected councils.

In Northern Nigeria, the Government paid about 14 per cent. of all native authority expenditure in 1959-60. The total revenue of all native authorities rose from £64,000 in 1908-9 to £10,400,000 in 1959-60, and their total expenditure from £36,000 in 1908-9 to £10,500,000 in 1959-60. In the 1959-64 development programme, the native authorities plan to spend as much as £11 million on capital works alone.

Eastern Nigeria

In Eastern Nigeria, the old 3-tier system has been replaced by a 2-tier system with 102 all-purpose district councils and one municipality. There are also local councils with minor assignments. Traditional members do not exceed 20 per cent. of the total membership. The estimated revenue for 1960-61 was £4,166,779, out of which £2,173,485 took the form of government grants. Eight of the councils use property rating, with rates varying from 1s. to 4s. in the pound.

While municipal councils spend 27·7 per cent. of their income on administration, 34·3 per cent. on works, 8·3 per cent. on education, 25·1 per cent. on medical and health services, and 4·6 per cent. on markets, district councils spend 19·3 per cent. of their income on administration, 27·2 per cent. on works, 28·6 per cent. on education, 12·5 per cent. on medical and health services, 8.9 per cent. on courts, 0.3 per cent. on veterinary services, 0.2 per cent. on postal services, 2.6 cent. on markets, 0.2 per cent. on surveys, and 0.3 per cent. on agriculture.

Western Nigeria

There is a 2-tier system in Western Nigeria, consisting of about 160 councils in all. Although there are traditional members on nearly every council, they do not exceed one-third the membership of elected councillors. There can also be nominated female members, their number depending on the size of the council, but usually in the ratio of one to ten elected councillors, subject to a maximum of six for any one council.

Ghana

In Ghana there are now ten urban, four municipal and 55 local councils. Traditional members have their own councils, formerly known as state councils but now known as traditional councils, dealing with matters of a traditional nature only. Government grants in aid amount to about 15 per cent. of total revenue. Although graduated rating is normal, property rating is increasingly being adopted alongside it. Basic rates (or capitation rates) for men and women (men paying double) are also collected. In the collection of property rates, unoccupied houses are exempted in certain council areas. Council chairmen receive salaries for full-time work. There are area or development committees. As from the 1st September, 1961, inspectors of local government will check the work of all staff, even messengers, based in the eight regional offices. It is hoped to have one inspector to three councils.

The pre-1957 structure in Ghana was a 2-tier system. Urban and local councils formed the base from which members were elected to district councils

according to the number of councillors in each of the lower councils. There were far too many councils with insufficient finance to function properly without government grants, much of which was merely spent on the salaries of officials and allowances of councillors. Of 252 local and urban councils, 31 covered areas having a population under 5,000 and the smallest had less than 1,000.

There has been a considerable saving in the administrative cost of local government in Ghana by amalgamating authorities and reducing staff. The new system has also improved local administration. In the Volta region, for example, a council formed through amalgamation of five smaller councils made a considerable improvement after only 12 months, more than doubling the collective income for the area. Another advantage is that councils can now attract a better calibre of officer.

In calculating the population covered by each council, the Local Government Commissioner[2] based his calculations on the inaccurate 1948 census. In some places, the population was double or treble the estimate. If councils can be induced to make proper, comprehensive tax rolls, and if all taxable ratepayers pay their rates, it might be possible to collect double the revenue now being realized!

The Commissioner summarized the advantages of a larger unit of local government as follows:–

(*a*) It can be more economically administered, as this table illustrates:

Population served	*Total revenue*	*Per cent. of total revenue spent on administration*[3]
2,971	£7,060	29·60
26,644	£23,958	11·5
72,000	£77,898	4·0

Apart from economy in administration, the larger council can afford to offer better salaries, and attract officers of higher calibre, thus facilitating efficiency;

(*b*) it can more readily withstand temporary financial difficulties. When some people, such as farmers and fishermen who have fluctuating incomes, find the times difficult, there are likely to be others, such as salary earners, who can help to tide over the difficulties;

(*c*) the fewer the authorities, the greater is the opportunity for supervision and guidance from the regional administration;

(*d*) the development of services, such as electricity and water supplies, can be planned more efficiently and economically in a larger unit.

Optimum size

What is the optimum size of a local authority area for the effective performance of its functions? Two vital factors that must be considered are financial soundness and administrative efficiency.

It is easy to say that in Britain, local government is run this way or that, and that it provides such and such amenities. It may be forgotten also that in Britain the average citizen pays about 4s. 6d. a week (18s. a month or £10 16s. 0d.

[2] See report of the Commissioner for Local Government Enquiries in Ghana (Accra, Ghana: Government Printer), p.4.

[3] By 'administration' is meant the combined expenditure on clerks' and treasurers' salaries, office expenses, and allowances to councillors.

a year) to keep local government going. In most cases, he does so willingly. In fact, local government has been called 'Britain's greatest business'. It employs 1,600,000 people – one in every 15 of the country's workers. It spends nearly £2,000 million a year – one eleventh of all the country's domestic spending! Local government, as it is in England, is the people's business, run with money and good, selfless men. By men I mean councillors, officials and the ordinary citizens – men and women.

Local government exists mainly to provide services for the people in its area. If a stage is reached when this cannot be done or a council's resources merely pay for officers' salaries and councillors' allowances, such a local authority does not justify its existence at all. It must then do one of two things; reform itself or be reformed by Government, or disband itself or be disbanded by Government. Councils are the creatures and agents of the central Government, which is in duty bound to see that they carry out their functions efficiently. If it fails to do so, such embarrassments as arbitrary tax assessment, unfair representation of parties on committees, or violent overthrow of tradition may result.

Apart from administrative efficiency and financial soundness, one may also have to consider, in determining the optimum size of a council, local traditions, customs and mores, the geography of the area, transport and communication facilities, the wealth of the different communities in the area, the general development of the people, and the willingness of the majority to be together. It is not particularly important or necessary that there should be a uniform structure of local government throughout Nigeria. What is essential is that it should truly reflect the wishes of the local community. Local government would not be local if there was no flexibility patterned along existing diversities. Even in Britain – and Nigeria is more than double its size – there are the Scottish, Irish, English and Welsh types of local government. Unity in diversity is possible without uniformity, and this makes for happy, loyal citizens, and efficient and stable government on the local, regional and national government levels.

Traditional membership

Should we have traditional members on councils? If so, what role should they play? There is a feeling among elected councillors that they are superior to traditional members and that they should have a greater say in council business. On the other hand, some traditional members feel that their will should prevail as they are often heads of towns or villages, and not merely of wards. Besides, they are permanent members of the council, and therefore can sometimes influence the course of party politics in it. In Ghana, they used to form one-third of council membership. That ratio was gradually reduced until there was only one traditional member, and eventually none in a council. As the state (or traditional) councils came into existence, chiefs whose status justified membership in them were so included. There was probably some partial dissatisfaction with their removal from the electoral fray, but there has not been – and it seems unlikely that there will be – any violent outburst. A chief may be either a member of a state council or of a house of chiefs or of both. It might have been a good thing if chiefs had not been created by legislation in many parts of Eastern Nigeria, for the problem of traditional membership might not have arisen.

Where chiefs are in councils, it may be advisable for their number to be permanently fixed, and where there are no chiefs to fill the seats as of right, rotation instead of election may be better. This should help to check the temptation to the party in power to inject party favourites into newly elected councils. It should also help to free the ruling parties from suspicion. In areas, however, where chieftaincy is a tradition, it is only fair that room be found for chiefs in local government. The traditional influence of many a ruler is enough to maintain law and order in his council area.

Some miscellaneous suggestions

A few other suggestions with regard to finance and structure may be added:

(i) it is better for a council not to attempt too much at a time, and to tackle simple projects instead of big ones which may never be completed for years. As soon as a project is completed, it should be publicized;

(ii) rates and tax assessment committees should be composed of officials, not councillors or people appointed by councillors, especially with regard to houses and other property;

(iii) more use should be made of communal labour with provision for monetary contributions in lieu of direct labour;

(iv) adult education should be intensified to provide general literacy and enlightenment; the adult education scheme in Ghana is worthy of emulation by other developing or semi-literate communities. There, voluntary leaders serve as honorary literacy class teachers. One who produces 5 literates a year gets a badge. Other forms of incentive could be devised;

(v) there should be more education on prevention of ill-health by encouraging the use, for example, of clinics and maternity centres;

(vi) Government can stimulate greater community development by giving percentage grants for projects completed or half completed by councils and various communities. Such grants may serve partly as a stimulus and partly as a means of government control of local authorities. As has been said elsewhere, the prospect of receiving a grant is often sufficient to stimulate a laggard local authority to action, and the possibility of its withdrawal in whole, or in part, an excellent way of encouraging local authorities to conform to the general lines of government policy. Such a percentage grant may be provided for both recurring and non-recurring capital expenditure. Unit grants are already being used in many areas, and they are particularly necessary in services where it is most urgent to maintain regional or national minimum standards, such as in education and health;

(vii) while property rating may encourage the building of low-grade houses, its advantages should outweigh its disadvantages if more widely adopted. As far as big centres of population in Nigeria are concerned, it seems that the adoption of property rating is only a question of time. However, the British pattern may have to be adapted, not adopted, to suit our peculiar local circumstances. The idea is to see that every individual contributes to the cost of services provided by his local authority not only in proportion to his financial status, but also in proportion to the use he makes of such services;

(viii) village and town development committees: communal labour is one of the traditional virtues in West Africa; it is particularly strong in Eastern Nigeria and Ghana, and should be revived to a higher degree in

Western and Northern Nigeria by setting up village and town development committees which can plan and administer small financial contributions, depending on the wealth of the particular community or the available communal labour for town or village developments. Different projects may be attempted, such as the building of town halls, village libraries, maternity centres, public latrines, good market stalls, the installation of water and electricity supplies, or the purchase of public television sets;

(ix) the councils should engage more in trading services for the development of their areas, such as the provision of motor parks, bus services, fish ponds, forest plantations, oil, rice and corn mills, tobacco plantations, conservancy services, or even chairs for hire. The type of trading service in an area will, of course, depend on local conditions;

(ix) the present structure of local government should be overhauled and all-purpose councils with joint committees and joint boards be created. Each local authority area should be of an optimum size even if, for some time, this can only be determined by trial and error.

Local sentiment, emotion, clan feeling or village local patriotism alone are not enough to run a council. Financial soundness and administrative efficiency must be ensured.

The Administration of the Japanese Land Reform[1]

by R. P. Dore[2]

The land reform carried out in Japan between 1946 and 1950 posed formidable administrative problems. Altogether the ownership of nearly five million acres, more than 35 per cent. of the total cultivated area of Japan, had to be transferred from one owner to another, involving the purchase by the State and then the resale of well over 30 million distinct tracts of land. More than two million families were to lose some land; nearly five million were to gain. And in a country where land was precious – it was the very shortage of land which had kept rents high and accelerated the concentration of ownership, thus making the reform necessary – safeguards had to be devised against every form of evasion which human ingenuity could improvise.

The objects of the reform were primarily social and political. As a result of the gradual concentration of ownership, especially towards the end of the nineteenth century, in 1941 some 47 per cent. of the total arable area (53 per cent. of rice land, the most valuable land) was farmed by tenants. Only 31 per cent. of the farmers owned as much as ninety per cent., and 28 per cent. owned less than ten per cent. of the land they tilled (the average size of holding operated being, in any case, only a little over two acres). High rents amounting to about half of the value of an annual crop (the landlord himself usually providing no services except occasional high-interest credit) had kept the tenants miserably poor compared with other sections of the population. Economic inequalities in the village (some 80 per cent. of the tenanted area was owned by village rather than by absentee landlords) were a constant source of friction and, as tenant unions began to organize for collective bargaining and political activity in the nineteen-twenties, of political unrest. It was primarily to remove these inequalities and improve farm incomes that the land reform was carried through. It was expected that improved production would also result as farmers were given higher incomes and greater incentives to invest. Although the expectation has proved amply justified, this was not the primary objective of the reform, for even the poorer tenant farmers were already highly productive by Asian standards.

The land reform laws

The reform laws of October 1946 were the product of many years of preparation. The provisions governing tenancy were embodied in the form of an amendment of the Agricultural Land Adjustment Law of 1938 which laid down a framework of operation. The Owner-Farmers Establishment Special Measures Law which directed the transfer of ownership was a toughened-up version of an earlier law passed in December 1945 (the toughening being a response to the demands of the occupation authorities) which itself was based on draft plans prepared within the Ministry of Agriculture since 1941. It was

[1] More detailed accounts of the Japanese land reform may be found in Supreme Commander of the Allied Powers, Natural Resources Section, *Japanese Land Reform Program* (Report No. 127), 1950; Lawrence I. Hewes Jr. *Japan, Land and Men* (Iowa State College Press, 1955) and the present writer's *Land Reform in Japan* (Oxford, 1959).

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a skilfully and carefully drafted measure. Nevertheless, before the reform programme was completed in 1950 a total of ten supplementary laws and amendments had to be passed by the Diet, 31 ordinances, 35 sets of regulations and 16 ministerial orders were issued, together with no less than 120 ministry circulars of an elucidatory or supplementary nature. It was, perhaps, a case of a passion for legal precision overreaching itself. It is at least doubtful if there were many village land committee secretaries who were at all times thoroughly conversant with all the provisions of the law.

The main provisions of the law were as follows :–

(1) the State was to purchase all the agricultural land of absentee landowners;

(2) the State was similarly to purchase all the agricultural land of village landowners in excess of certain ceilings. These ceilings were fixed for each prefecture (sometimes with local variations within prefectures) according to the average size of holding in that prefecture within a range of $4\frac{1}{2}$ to 11 acres (exceptionally 30 acres for the northern island of Hokkaido), with 'sub-ceilings' of one-third of these amounts ($1\frac{1}{2}$ to $3\frac{2}{3}$ acres) for the permitted maximum holding of *leased-out* land. (Thus, in Hiroshima prefecture where the minimum ceilings were imposed, a landlord could keep $1\frac{1}{2}$ acres leased to tenants and an extra 3 acres if he cultivated them himself. Alternatively, if he were already cultivating $4\frac{1}{2}$ acres, he could keep those but no leased-out land in addition. If he cultivated none he could keep only the $1\frac{1}{2}$ acres leased to tenants.) Owner-cultivators with holdings bigger than the ceilings could keep them only if they could manage without employing regular hired labour;

(3) landlords were to be paid compensation in government bonds redeemable after 30 years and bearing 3.6 per cent. interest. The price was determined as follows. A national average 'owner-farmer's annual return on land per acre' was calculated on 1945 figures by subtracting from the estimated annual gross yield material and labour costs (fairly liberally calculated) plus profits (4 per cent. of costs). This sum was then capitalized at the current interest rate for national securities (3.68 per cent.) to arrive at an average 'value to owner-farmers per acre'. This sum, as calculated for rice land, was approximately forty times the national average rateable value per acre (the basis of the land tax) and hence compensation for any particular piece of land was fixed at forty times its rateable value. A similar calculation was made for dry fields and, as a measure of relief for the smaller landlords, an additional 30 per cent. bonus compensation was paid on the first seven acres sold, the bonus being calculated by capitalizing average annual rent receipts to arrive at an 'average landlord's value' which worked out (for rice land) at about 130 per cent. of the 'average value to owner-farmers';

(4) the land thus acquired by the State was to be resold under provisions which in effect ensured that it should go to the tenant actually cultivating it, unless the holding he cultivated was so small that he could not be expected to become an independent farmer, in which case the State was to remain his landlord. The purchase price was the same as the basic price (that is less the bonus compensation) paid to landlords, and payments could be spread over thirty years at 3.2 per cent interest;

(5) tenants were given almost complete security of tenure on the tenanted land which remained. Tenancy contracts were to be written on standard contract forms and filed with village offices; rents were to be controlled (at a figure calculated as the 'owner-farmer's return on land' in a similar way as for the compensation, resulting in practice in rents never more than 5 per cent. of average gross yield). Village land committees had to be satisfied that the tenant gave his free consent before a landlord could repossess, and the prefectural administration could check on this with the tenants before endorsing permission to repossess;

(6) for the purposes of the law, the situation as on the 23rd November 1945 – the date of the first public announcement that land reform was contemplated – was to be taken as a basis. All evasive subdivisions and forced repossessions since that date were to be declared void;

(7) the reform was to be administered by land committees established in each town and village. All adults in tenant households were to elect five, all adults in landlord households three, and all adults in owner-cultivator households two members. The ten elected members chose their own chairman and employed at least one, and an average of three, full-time secretaries.

Special advantages in administration of land reform in Japan

Japan embarked on the reform with many advantages not always present in land-reforming countries. There was, first of all, a well-established land-registry system. Land registers kept by the (central government's) tax offices and duplicated in village local government offices listed each numbered tract of land with description, location map, record of area and rateable value and the name of the owner. (For all practical purposes Japanese law recognized only one category of freehold ownership so that there was no problem of reconciling conflicting rights to land.) Another register, similarly duplicated, listed for each individual owner the tracts in his possession. These registers were far from perfect in 1946. Some sales and a good many subdivisions (usually occasioned by the establishment of a younger-son branch-family in a separate household; primogeniture inheritance ensured that *most* holdings remained intact through the generations) had gone unrecorded, and many owners listed in the registers were long since dead. The first task of land committees was to bring these registers up to date and collect information on tenancy which the existing registers did not record. This was a difficult enough task, but certainly not comparable to the difficulties encountered in countries where the very idea of a land registry is a novel one.

Secondly, although it was common for pre-war writers to talk of the Japanese 'peasantry', many of the subtler connotations of that word were already inapplicable to Japanese farmers. They had developed a lively market sense; they were by this time universally literate. Few were incapable of understanding the documents to which they were asked to set their seals. And higher education was sufficiently widespread for sixty per cent. of the more than 30,000 land secretaries employed by land committees to be graduates of some kind of secondary school.

A third and related advantage was the fact that traditional paternalistic landlordism had been very much eroded by economic and social development. Only in the more backward parts of the country were tenants dependent

clients, relying on their landlord's general protection and emergency aid and offering loyalty and labour service in return. Landlords had long since begun to disengage themselves from their paternalistic obligations, and the activities of tenant unions before the war had done something to make tenants resentful of their status. This was, of course, a matter of degree and of considerable regional variation. Tenancy relations were much more impersonally contractual in some villages than in others, and even where there was little personal paternalism landlords generally still had superior prestige and superior powers to influence village decisions. But by and large, given the institutional arrangements embodied in the law, tenants in most villages were able, and willing, to insist on their rights. Moreover, tenant unions were rapidly reformed after the war and outside union organizers were available to help tenants who might otherwise succumb to social pressures from the landlords, their traditional social superiors.

Fourthly, there was a long tradition of modern bureaucratic administration reaching down to the village. Ever since the feudal period villagers had been accustomed to the notion that government authorities kept track of, and could control, their ownership and use of land, and that control had never been more complete than in the wartime period which preceded the reform.

Fifthly, the circumstances of the time were important. Japan was a defeated nation being transformed at the instruction of the Occupation Army into a model democratic society. The whole world was being turned upside down and there seemed little that any individual could do to stop the process. The authority of the Occupation seemed absolute. A mood of numbed resignation blunted the landlord's resistance. A few landlords' organizations were formed to present petitions and to fight the unconstitutionality of the reform laws in the courts, but a few stern words from local occupation officials and one strong official statement by General MacArthur himself were enough to bring about their dissolution.

There was, sixthly, another fact weakening the landlords' resistance. They had less to lose in 1946 than at any time previously, thanks to the compulsory foodstuffs requisitioning system which had been introduced during the war. Rents in kind had been effectively abolished, and the money rents paid to the landlord by the government in return for the rice requisitioned directly from the tenant had been fixed at a low level in a period of rapid inflation. On the other hand, the inflation, as it accelerated after the war, did have a contrary effect in sharpening the landlords' sense of injustice. Amounts calculated as reasonable compensation in 1945 were reduced to a small fraction of their original value (considerably less than the current value of a single year's yield) by the time they were actually paid in 1948 and 1949. When the occupation was over and the land reform an irreversible *fait accompli*, landlords recovered their breath and began to form pressure groups to demand extra compensation from the government. Their wishes have not so far been met, but the issue still remains politically alive in 1962.

Finally, the land reform was easier to carry out in that it was chiefly concerned with the transfer of ownership rights and required little change in the actual pattern of cultivation. Except in the very few cases where enterprising land committees seized the opportunity to carry through a consolidation of fragmented holdings (permissive provisions had been included in the law), most farmers went on cultivating the same plots of land as before.

The prevention of evasive tactics by landlords

Even given these conditions, the land reform could well have been a failure. That it was not was due in large measure to the fact that its detailed execution was left not to officials remote from the local scene but to land committees elected both by landlords and tenants, and assisted by secretaries who usually had some administrative experience and had received short training courses in the interpretation of the law. Each committee had a manageable acreage of land within its area – on an average they dealt with the transfer of some five hundred acres each. Their own local knowledge, supplemented by reports from up to twenty-five 'hamlet auxiliaries', meant that given the will they rarely had difficulty in arriving at the facts of disputed cases on which they had to pass judgement. The fact that five of the ten seats were held by tenants and two of the remainder by owner-farmers meant that in most cases the will to carry out fully the provisions of the law was in fact there. Not always, however; there were bound to be villages where three landlords, well educated, accustomed to committee work, born to authority and adept in its exercise, could outmanoeuvre five tenants with none of these advantages and a long tradition of submission to the 'natural' leaders of the village. It is a fair indication of the existing pattern of social relationships that when the land committees elected their chairmen, only 25 per cent. of them were tenants and 39 per cent. were landlords (the rest being owner-farmers). This did not mean, however, that 39 per cent. of the committees were under the dominance of landlords bent on thwarting the execution of the reform at all costs. In most cases the landlord chairmen retained their chairmanship only because they were willing to preside over their own expropriation, contenting themselves with securing minor concessions.

The concessions they could secure, by minor contravention of the strict provisions of the law, were of two kinds. They could try to ensure that the best pieces of land were left to them as their small reserved portion of tenanted land, and they could secure the connivance of the committee at their illegal repossession of land in order to convert themselves into owner-operators. Where, for example, the ceiling on total holdings was six acres, with the 'inner' ceiling on leased-out holdings at two acres, a landlord who owned 100 acres but cultivated none was strictly entitled to retain only two acres leased out to tenants (and with rents controlled at a low figure and no possibility of repossession they would bring him little profit). If, however, he could persuade some of his tenants to relinquish their legally protected cultivating rights and return six acres to his own cultivation, he would be allowed to keep these six owner-cultivated acres and could hope to make a good living on them. (As the next best thing he might get back four acres and keep these plus two acres still leased to tenants.) Tenants were given every legal encouragement to resist such 'persuasion' (and those who before the laws were passed had succumbed to landlords who saw the reform coming, could reclaim their right to cultivate), but the authority of a traditional superior status was often too much for them, particularly if it was backed by economic sanctions (for landlords retained their ownership of forest land which tenants might need to use for fuel, fodder and fertilizer, and they sometimes controlled part-time employment opportunities).

Similar considerations might prompt tenant representatives on land committees to accept without further investigation the fiction that a tenant had

willingly given his consent to his landlord's repossession. Sometimes, however, there were also good humanitarian reasons why tenants should have given land back to landowners or why land committees might have condoned and even abetted a certain amount of pressure on tenants. Many landlords returned to their villages at the end of the war from the colonies or from the devastated towns with no alternative prospect of making a living. Others who had been living off rents faced a total loss of all income. In either case it seemed reasonable to persuade some of their tenants to help them start life again as owner-farmers. In some cases reasonable bargained compromises were arrived at, the 100 acre owner of our example, for instance, being helped to get back three or four acres into his own cultivation on condition that he renounced his statutory right to retain two further acres of leased-out land.

Other more serious forms of evasion were not easy. The socially accepted definition of a houshold was clear and unambiguous enough. A household, rather than an individual, basis for the calculation of ceilings conformed so closely to the traditional pattern of village organization in which households always acted as units, that the dispersion of holdings among family members in order to evade ceiling restrictions was never easy. At the most a landlord with a marriageable younger son who hastily got him a bride, built him a house and set him up as a separate household before the act came into operation, could get the retrospective provisions annulling subdivisions after the 23rd November 1945 waived in his favour.

Equally, the land registers were sufficiently complete and exact in their coverage to make it impossible for landlords to keep more than the permitted ceilings in the hope of concealing the fact.

Even if landlords succeeded in dominating the village land committee and proceeded blatantly to ignore the provisions of the law, additional safeguards were provided by the supervisory control of the 46 prefectural land committees. These were also elected; ten members by the tenant representatives on village land committees in the prefecture, six by the landlord representatives and four by owner-farmer representatives, with an additional five neutral members being co-opted. Appeals against decisions of village committees could be made to the prefectural committee, which had at its disposal the officials of the agricultural department of the prefectural office to make enquiries. In this way the possible deficiencies of local land committees, well acquainted with the facts of local situations but less likely to be objective, were balanced by the prefectural committees, less well able to get at the facts but more likely to be objective. It was rare for no appeal to be made against large-scale abuses of the law and for a prefectural official determined to find the facts of particular cases to be unable to find anyone to speak out – if for no other reason than because the landlords were not usually a united group. They ranged in most villages from semi-seigneurial families with large holdings which yielded a rent income well above village levels, to the cultivating farmer who leased a few additional acres and who was in culture, living standards and outlook not much removed from his owner-farmer, or even tenant, neighbours. Traditional rivalries for elected village office, and long-standing hostility between hamlets within the administrative village, were further divisive factors which prevented landlords from presenting a united front. An investigating official could usually, therefore, find another side to every story told him. And if this was not enough to help him to a balanced decision,

there was always the stark precision of the land registers to form a starting point.

If the landlords were united, uncompromisingly obstructive *and* sufficiently capable of instilling fear into their tenants to prevent appeals, the prefectural committee could order the dissolution of the village land committee and its re-election. In the last resort they could be suspended altogether and the transfers directed entirely by the prefectural committee, a device which was resorted to in only a few instances.

Quite apart from the appeal procedures, the prefectural committees had to endorse a number of the decisions of the local committees before they were put into effect – in particular all land purchase and resale plans and all decisions in cases of disputed repossession. On their own initiative prefectural officials could, and sometimes did, investigate a sample of such cases on the spot, particularly in the areas of village committees suspected of being somewhat less than enthusiastic about the reform.

Some successful features of the reform

Another feature of the administration of the reform which helped towards its success was the avoidance of direct dealings between the landlord who was to lose a piece of land and the tenant who was to buy it. The provisions by which the State first acquired the land and then resold it to the tenant were strongly insisted on by occupation officials, and this was one of the chief differences between the reform laws of 1946 and the first abortive legislation of 1945. If the tenants had to negotiate the direct purchase of their holdings from their landlords, they would have found it much more difficult to insist on their rights than when they had the land committee to mediate for them. Japanese society has always made extensive use of the 'go between' to avoid embarrassing personal encounters. A similar device was adopted after the reform in some districts to manage the tenancy which remained. To relieve tenants of the embarrassment of taking controlled rents (ludicrously low rents by traditional standards) to landlords for land which landlords would much prefer to take back into their own cultivation, a tenancy management committee was set up to collect rents from the cultivators of all tenanted land in the village and pay them out to landlords.

This was by no means universally the case, however, and in general the provisions governing the remaining tenancy were much less conscientiously observed than those governing land transfers. Written contracts were by no means always concluded, and perhaps the majority of tenants have been paying 'black-market' supplements to the controlled rents in order to remain on neighbourly terms with their landlords and dissuade them from pressing too forcefully for the return of their land. The Japanese experience over the last 15 years quite clearly confirms the common observation that administratively it is far more difficult to control tenancy than to abolish it.

Even these black-market rents have been well below pre-war rent levels, however, and the change in the general economic situation in Japan, with a booming industry to absorb both capital and labour, has ensured that there is little danger of a reconcentration of ownership for the purpose of leasing at high rents. The area farmed by tenants has in fact been steadily decreasing since the end of the reform and is now probably not much more than six per cent. of the total arable area. Indeed, the fear of a reversion to pre-reform conditions

is now so negligible that new legislation before the Japanese Diet will make considerable modification in both ownership ceiling restrictions and in the tenancy regulations in order to encourage the expansion of farm units in the interest of more efficient management.

The special circumstances of the Japanese land reform which were listed earlier make it unlikely that it could provide a detailed model for reform measures elsewhere. Nevertheless, the reform legislation does embody a number of general principles of operation and particular institutional devices which might well be applicable in other situations and which would well repay any land-reformer's study.

Basic Democracies as Institutions of Local Government in Pakistan—I[1]

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THE revolution of 27th October 1958 in Pakistan had stated its aim from the very beginning as the restoration of a democratic form of government, but of a type which could be understood by our people and would be workable in our particular social and political milieu. The first big step in this direction was taken exactly one year later to the day with the promulgation of the Basic Democracies Order. The system which this brought into being has aroused considerable interest all over the world, especially in other developing countries.

While on the whole the experiment of basic democracies has had a good press, the understanding of these institutions has on occasion been marred by two misconceptions. First, it has been construed by some people as an experiment on the lines attempted by the British during the latter stages of their rule of this subcontinent, when local self-government institutions were established as a sop to growing popular demand for self-rule. Secondly, as an extension of this idea, the central Government, it was expected, would become a sort of sixth tier of these basic democracies. (The use of the word 'tier' will be explained later.) With the coming of the Constitution, these misconceptions will die a natural death; but in the meantime these ideas have often led to comments from foreign observers, which we in Pakistan have occasionally found somewhat amusing. This applies to praise as well as blame.

Broadly speaking, the basic democracies, at present, should be looked at primarily as local government institutions, and a training ground for democratic leadership at the grass roots level. In addition, they can also serve as an electoral college for elections to the national Government. But this is a matter which will be determined ultimately in the Constitution. Although the constitutional aspect is likely to influence the whole system, the basic democracies, as local government institutions and as a training ground for democratic leadership at the ordinary citizen's level, will remain perfectly viable institutions, irrespective of the type of Constitution adopted.

The system of basic democracies should, therefore, be seen in the context of trends in administration and local self-government, if its merits and shortcomings as a programme of action are to be understood properly. For although the system is, in a sense, entirely new, as it establishes a new set of relationships in local government, in another and equally vital sense it is also the culmination of an historical process, the outcome of certain social and political forces interacting within a given administrative framework.

The pre-Independence pattern

To understand the nature of administration in Pakistan, we have to go back to the system evolved by the British towards the beginning of the nineteenth century. It must be said to their credit that, after they had committed their

[1] Reprinted from the November 1961 issue of Progress, with acknowledgement to the Editor.

series of initial mistakes in Bengal, the British evolved a pattern of administration admirably suited to the conditions of those times. In evolving this system, they tried to understand and take into account Moghal developments in administrative technique and the traditions of the people. They also successfully produced administrators with a high degree of integrity, devotion to duty and sense of justice. Under this somewhat personalized system, the country was divided into collection districts – a revenue classification – and practically all responsibility for each such district was vested in the representative of government – the collector or district officer. This representative of government in the person of the collector was judge, policeman, engineer, horticulturist and many other things. He ruled, firmly but benevolently and, from all accounts, apparently largely from horse-back; chatted informally with villagers to gain knowledge of the truth as well as their confidence and, if occasion demanded, dispensed speedy justice under a tree.

Gradually, however, a new element was introduced into this system, which was essentially one of keeping law and order and collecting revenue, when the occasional district officer showed his desire to provide certain services and amenities for the people under his care. To enlist public support in this enterprise and to help in raising funds, he began to associate prominent people of his area with his activities. The genesis of the local self-government institutions in British India were these early experiments by district officers. Lord Ripon introduced some system and universality into this arrangement by creating local bodies for the whole of British India, with some sort of an elective basis, to replace these informal committees. However, the collector remained in complete authority and the elected council, such as it was, followed his lead without demur. With the passage of time and the growth of demands for independence, the local government institutions were given greater autonomy and were removed from the direct control of the deputy commissioner (district officer), who ceased to be their *ex-officio* chairman.

In introducing these reforms, the village also was not neglected and the Government of India urged in 1918, no doubt with the best of intentions, that 'the village panchayats should not be looked upon as mere mechanical adjuncts of local self-government but as associations designed to develop village corporate life on the basis of intimacy existing between the inhabitants who had not only common civic interest but are also kept together by tradition and blood'. This hope was never fulfilled, in practice, largely for two reasons. First, the resources of such small communities usually do not leave much surplus for development activity. Secondly, there was little in common between the ruler and the ruled and, therefore, that vital spark needed for regeneration was missing.

Along with this development in local self-government, there was also an increase in government activity in health, agriculture and public works. The result of this was the creation of executive departments with their own chains of command and areas of responsibility. The deputy commissioner accordingly no longer remained in effective control of all branches of activity within his jurisdiction.

By the time of independence in 1947, we therefore had the following pattern: The deputy commissioner responsible directly for the collection of revenue and maintenance of law and order remained in theory the representative of government and, in a sense, had the general responsibility for the proper functioning of his district. The district board and municipal committee provided services

for their respective areas and direct connection with the deputy commissioner was, for all practical purposes, severed. In addition, the various executive departments of government responsible for provision of such services as health,, buildings and roads, irrigation and agriculture, normally known as the 'nation building' departments were largely self-contained administrations and remained in many cases, outside the orbit of the deputy commissioner's control. This led, in general, to fragmentation of effort and sometimes to conflict. To quote the Rowland Committee's report on Bengal Administration (pre-1947):

> "The lot of the district officer like that of the comic opera policeman is not a happy one. He is expected to see that nothing goes wrong in his district, but he has little power outside the magistrate and collector field to see that things go right. He is regarded as responsible for stimulating the activities of the officers of other departments, but he has no control over them, and although they are under obligation to keep him informed of their activities, the extent to which this obligation is discharged depends in many cases on the personal factor."

Aftermath of Independence

After independence one might have expected a significant change, but events have not borne this out and the history of local self-government institutions since 1947 does not make a very inspiring record. With the increase in his duties a progressive dissociation of the district officer from the functioning of local bodies came about; these institutions also became a vehicle for political manoeuvring. Under their combined effect, deterioration in standards was inevitable. The situation, instead of being remedied after careful examination, was left to stagnate; when matters appeared to be too far gone in any sphere, the method usually adopted to correct the decline was, in the name of efficiency, a gradual whittling away of the functions entrusted to these institutions, or supersession and the appointment of administrators to replace the elected representatives. Elections were not held regularly, and in many cases not held at all. This resulted in a lowering of the prestige of local authorities and seriously diminished their value as representative institutions. In short, no attention was paid to their effective functioning. From time to time, as an instrument of public service, some local authority would be briefly revived by an efficient administrator; but by and large, as service agencies, they were reduced to a state bordering on bankruptcy.

Local administration, therefore, remained a hotchpotch of decaying or defunct local self-government institutions, side by side with executive departments of government, without any attempt at co-ordination between them and devoid of any ambition for mobilizing public support to meet the development requirements of an area through concerted effort. The fiction of the deputy commissioner's responsibility for the general functioning of the district administration, however, gave the whole a spurious air of unity and coherence.

The architects of the First Five-Year Plan (1955-60) bent their minds to these questions of the role of the district officer and the problems of local self-government with respect both to development and democracy. The main outlines of the problem were identified and there was a certain wise shaking of heads at the growing tendency 'to bring the district officer less and less into development planning, as a result of development departments becoming more

and more independent and conscious of their own importance'. The need for co-ordination was repeatedly mentioned and the role of the district officer highlighted for this purpose. But there were no concrete recommendations concerning how his relations with the development departments were to be regulated for effective co-ordination.

The deliberations of the planners on the role of local self-government institutions were even less satisfactory. In one breath they struck a blow for democracy by proclaiming that 'the extension of bureaucratic control will tend to kill initiative, inhibit leadership, and prevent self-help enterprise among men and women all over the country.' In the next breath they regretted 'the rapid relaxation of official supervision', which had found 'local bodies unprepared for the tasks of civic management, grown to large proportions in the context of the social and economic progress that had been going on in the meantime'. The implication was that this had inevitably resulted in waste and inefficiency.

This realization led to an attempt, perhaps somewhat half-hearted, at introducing some sort of order and coherence in district administration, in the formation, by executive fiat, of district and divisional development boards. These development boards comprised heads of the 'nation building' departments of the government in a district or division, representatives of local self-government institutions in the area, and elected representatives in the persons of members of the provincial assembly from the area. The development board was placed under the chairmanship of the deputy commissioner in the district and the commissioner in the division. In West Pakistan some funds were also placed at their disposal. There was, however, no clear conception of what these boards were expected to do. At best, this experiment was in the nature of a compromise attempting to introduce a team spirit into district administration and providing a development bias to it, but without altering existing relationships or spheres of authority.

In practice, therefore, these boards did not amount to much as they had no statutory significance, nor were they given the support or priority needed for their success. The technical departments of government, although exhorted to pay every attention to the needs of these bodies, remained indifferent and mainly went their old way. There was also no agency available to these development boards for executing their projects. Their impact was, therefore, negligible in proportion to the work which was needed to be done; although in some places advances were undoubtedly made and the funds placed at the disposal of the boards used to the fullest advantage.

It was becoming obvious that the whole nature and purpose of district administration had to be rethought and the administration reconstituted if it was to fulfil the objectives of rapid development within a democratic framework. It was also obvious that, given the traditional pattern of administration, the district officer would have to remain a key figure in this new solution.

What was needed was an institutional device by means of which co-ordination of all developmental activity in an area could be ensured; municipal and social services efficiently provided; and a democratic base prepared which would attract participation by the people in all matters affecting their corporate and individual welfare, and thereby generate in them a drive for betterment through self-help.

The system of basic democracies

The system of basic democracies provides, in a rational and coherent form, the institutions for achieving these aims. At a glance the basic democracies are a hierarchy of local councils in four tiers. At the apex there is a fifth tier – the Provincial Development Advisory Council – but this does not really form an integral part of the system.

Since the village as a form of a society is our basic social unit – 85 per cent. of the people of Pakistan live in villages – the system of basic democracies begins by creating a unit of self-government at this level. Although the natural social unit is the village, its resources are usually inadequate and most worthwhile work has to be undertaken in co-operation with neighbours; the village panchayat had, therefore, to be discarded in favour of the union which would ordinarily cover a group of villages with a total population of 10,000 to 15,000. A group of 800 to 1,500 people is represented on these councils by one member elected on the basis of adult franchise.

In the first instance, a provision has also been made for nominated non-official members representing special interests such as women and the professional classes, who are reluctant to face the din and bustle of elections. Current thinking, however, is moving away from this and at present vacancies occurring in nominated seats are not being filled. For the next elections, there is a strong likelihood that nominations will be dropped altogether. This principle, when formally accepted, would probably apply to the non-official representation in the upper tier councils as well.

The union council, which is the basic tier, has been given a wide range of functions and has been empowered to levy taxes on land holdings, trade, vehicles and boats and a host of other things numbering about twenty-nine in all. It has also been empowered to impose taxes in the form of labour for community work; those not wishing to contribute voluntary labour may make money payments instead.

The next tier is the tehsil council in West Pakistan and the thana council in East Pakistan, generally covering a population of between 100,000 and 150,000. This body consists of the chairmen of all union councils and town committees in the area and official and non-official nominated members. The number of nominated members, official and non-official, is not to be more than half the total membership. The tehsil/thana council does not perform any executive functions but is essentially a forum for discussion of mutual problems, and a co-ordinating agency. It can, however, be entrusted in extreme cases with the running of union councils whose affairs are not going too well.

Functionally, the district council – the third tier – is the most important after the union council. It consists of nominated official and non-official members with the proviso that the number of non-official members will not be less than that of the nominated official members and that at least half the non-official members will be chosen from among the chairmen of union councils and town and union committees in the district. The collector (district officer) is the chairman of this council.

The functions of the district council have been divided into two parts – compulsory and optional. Its compulsory functions include the maintenance of primary schools, libraries and reading rooms; provision of sanitation; prevention, regulation and control of infectious diseases; provision and maintenance of dispensaries and hospitals and other allied health services; provision,

maintenance and improvement of public roads, culverts and bridges; arrangement of water supply. On the cultural and recreational side, they are entrusted with the provision and maintenance of gardens and playgrounds; the holding of fairs and shows; the celebration of public festivals and the promotion of public games and sports. Their optional functions may be summarized under the heads of education, social welfare, public works and health. These cover an extremely wide range of activity and there is hardly any civic function which a council cannot undertake provided it has the energy and funds to do so.

The divisional council is similar to the district council in composition, but it has no executive functions. Its main purpose is the formulation of policy for its region.

At the two upper levels, that of the district and divisional council, the administrative, co-ordinative and development functions of basic democracies are closely related. Specifically, in the realm of development these councils are an instrument for decentralizing planning and implementation and, at the same time, for co-ordinating all development activity at each jurisdictional level.

The co-ordinating functions of these councils are of vital significance in this context, and will have a revolutionary effect upon the entire administrative machine and the climate prevailing in local administration. The Basic Democracies Order, for instance, gives the district council powers 'to formulate and recommend to the divisional councils and other authorities, development schemes of importance to the district; to review generally the progress in various branches of administration in the district and to consider local problems of importance to the district in all branches of administration and make suggestions for development, improvement and general advancement.'

The development schemes with which the district and divisional councils will be concerned fall into two categories. The first are schemes undertaken by various government departments and public agencies as part of their normal operations. The second category is of schemes undertaken by the district councils themselves under their own charter of duties. This second category of schemes is planned and executed by the district councils themselves. The technical advice of the relevant government departments is, however, available to them.

With regard to the first type, that is schemes undertaken by government departments and public agencies, these councils are associated with the planning and supervision of schemes which can be handled on a regional basis. This involves such departments as social welfare, co-operation, labour, education, medicine and public health, agriculture, animal husbandry, buildings and roads. All new development schemes of these departments are now being routed through them and are discussed in the district and divisional councils. These councils assign priorities among the schemes of various departments from a local and regional point of view; and such territorial priorities have to be considered when the schemes are incorporated in the annual development programme of the province.

Participation in the planning process by basic democracies is supplemented by their association with the implementation and review of progress of these departmental schemes. It is intended that the local council should be able to call to account departmental agencies in cases of obvious delay or inefficiency in the execution of schemes. The technical aspect of such schemes, of course, remains the responsibility of the department concerned.

Problems, successes and future aims

The basic democracies represent a substantial advance over the institutions of local self-government (such as the district boards) which they have replaced. The earlier institutions were placed outside the normal administrative machinery of government and had no say or influence in the working of any government department. Even those departments responsible for providing various environmental services and whose operations were designed to fulfil local needs, operated independently of any form of popular local control. The present institutions have been substantially integrated with the normal administration and have been given a much wider scope of activity. In this, they represent a complete departure from previous practice.

Once the principle of bringing representative and non-official elements in direct contact with the administrative machine at all regional levels was accepted, the next problem that had to be faced was how far could an administration, with a long tradition of benevolent autocracy, be subjected to non-official scrutiny and 'interference' without suffering traumatic effects and a sharp drop in efficiency. It would not have been wise too drastically to upset accepted patterns of behaviour. A certain degree of caution was therefore inevitable, and the non-official element at the upper levels is, consequently, not as strong as might in theory have been possible.

Bureaucratic traditions die hard – in any case all bureaucracies naturally tend towards despotism. The new policy was, therefore, likely to create conflict and transmit these stresses to the government machine. This was expected and in a sense provided for. To minimize this conflict, training courses explaining the aims of the system and the rights, duties and privileges of the public representatives were conducted for councillors as well as officials who were to be associated intimately with the working of basic democracies. In addition, Presidential directives have been issued defining the changed role of officials in the new system, and the point underlined by the removal of official chairmen who failed to adjust themselves to their new role.

When we look back, hardly two years have gone by since the promulgation of the Basic Democracies Order, and out of this most of the first year was spent in setting up these institutions. It was only by July 1960 that the formal induction in office of all the tiers had been completed. But the massive information and educational campaign launched has already begun to show results in terms of popular enthusiasm and self-help attitudes at all levels.

The response at the union level, the foundation of the whole scheme, is particularly encouraging. In some cases, it can only be described as sensational; such is the case of the lady from Sargodha who has donated 125 acres of land for a health centre. Not far behind is the gift of Rs150,000 and six acres of land for the construction of a dispensary and a high school. The activity has ranged all the way from philanthropy to voluntary co-operative labour, and embraces both tangibles such as the construction of roads, bridges and canals, and intangibles such as prevention of crime, amicable settlement of disputes, and the waging of war against socially oppressive customs.

It would, for instance, have been considered rash for anyone to forecast that it would be possible to gather 8,000 volunteers to build a road six-and-a-half miles long in Bannu, in the former North-Western Frontier Province; or that villagers would have the enterprise to collect sums approaching half a lakh of rupees for schools and dispensaries, as they have done in Lari Union Council

in Hyderabad, and Barhoon Union Council, in Sanghar, in the region of Sind. Nor are the active councils confined to any particular area. More than 1,000 miles away, in Khulna District in East Pakistan, 50 miles of embankments have been built and 60 miles of canals re-excavated by the voluntary co-operative effort of union councils. Many other such examples of activity, from practically any part of the country, can be given.

But this would be only half the story. The purpose of these institutions is not merely to mobilize the people for activity aimed at increasing social amenities and economic productivity but also to give them experience in the exercise of authority and responsibility for public purposes. The union council provides this experience to a limited extent, but it is only at the higher levels that bigger work is undertaken and where the councillor now has the opportunity to sit in on deliberations practically compassing the entire sphere of development in his area. The business of government is no longer shrouded in mystery, and decisions that formerly were largely arbitary now bear the imprint of popular opinion.

The representation of union council chairmen at all upper levels provides a thread of continuity and solidly anchors the system to the base. It is hoped that this will be fairly effective in preventing the institutions at the base from being oppressed by layer upon layer of bureaucracy, slowly but surely stifling the initiative of the people.

Although many hurdles have yet to be crossed and many bridges yet to be built, in the short time that the system has been in operation the results in terms of public participation and in terms of work accomplished have been encouraging. The institutions seem to be successfully creating that sense of responsibility and generating that capacity for self-help which is the basis of effective citizenship and the foundation of true democracy.

Basic Democracies as Institutions of Local Government in Pakistan—II

by Professor L. F. Rushbrook Williams[1]

Personal visits to between thirty and forty basic democracies in East and West Pakistan during the years 1961-1962 enable me to supplement some of the information in Mr. Habib-ur-Rahman's article. He has presented a comprehensive picture, not only of the circumstances attending the growth of local government in Pakistan as one of the heirs-at-law of the vanished British *raj*, but also of the problems for which the system of basic democracies has been devised as a solution. Among these problems was one which impressed me, as a foreign observer, more strongly perhaps than it did the Pakistani statesmen who were engaged in framing the actual structure of basic democracies; this was the entire breakdown of any real understanding between the governing classes and the governed. The gulf which had opened between them during the years when Pakistan lacked all conscious direction was formidable indeed; its width was in no small measure due to the decline of local popular administrative institutions. In my estimation, one of the most important achievements of the basic democracies in Pakistan has been to bridge this gulf by bringing the elected representatives of the people closely and directly in touch with the administrative officers who are the representatives of the executive government.

This has been accomplished by deliberate policy. The machinery which gives expression to this policy has been clearly outlined by Mr. Habib-ur-Rahman, and it is unnecessary to add to his account of it. But his brief mention of the process by which officials and non-officials were 'reorientated' as it were, in their relations with each other in order to ensure that the machinery would work as was intended, may be usefully supplemented for the benefit of those who have no opportunity of studying it on the spot.

Results of elections to basic democracies

A large proportion of the members of the 8,000 basic democracies now working, half in East Pakistan and half in West Pakistan, possessed little or no experience of public office at the time when they were elected. This resulted from the facts that no party system was in operation; that the elections were freely and fairly conducted, with heavy penalties for bribery, intimidation, and undue influence; that the men and women who exercised their vote under adult suffrage were deliberately encouraged to cast it for the man or for the woman whom they believed to be best fitted to do the job; and that the small size of the constituencies, averaging only a few hundred electors each, enabled the voters to know, or at least enabled them to find out, everything about the candidates who stood for election.

My wife and I visited a number of villages, as well as towns and cities, before the elections were held; we talked to the voters and to the candidates, and got a cross-section of the feeling in typical constituencies. The most vivid impression

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was that of intimacy; people were asked to choose, not between a bunch of strangers with party tickets, but between men and women whom they knew, in other words, men and women like themselves. When polling-day came, in fact that is just what they did; and the newly-elected 'basic democrats', though full of the spirit of service and eager to get on with their job, were for the most part quite ignorant of how to do it. What else could be expected? They had been chosen not because of their experience, but because of their character.

Before outlining the measures which were taken to equip the basic democrats to undertake their responsibilities, it may be well to indicate the kind of men and women who were chosen by the electorate. Except in the great cities like Karachi, Lahore, and Dacca, few women stood as candidates, although the influence of the female vote upon the elections was far-reaching – more than 60 per cent. of the women voters went to the poll. They cast their votes for the candidates who, in their opinion, would do spadework in extending girls' education, in providing more family welfare clinics, in improving local health and sanitation, and in interesting themselves in local amenities. The male voters, particularly in the countryside, while demanding from the candidates the same kind of things as the women wanted, laid great stress upon agricultural improvement, better communications including more local bus services, larger supplies of fertilizers, improved veterinary facilities, and the extension of irrigation.

In the light of the distribution of the population between town and country in Pakistan, it is not surprising that five-eighths of the total seats were captured by agriculturalists. The remaining three-eighths were held by people with small private businesses – mainly self-employed, together with about 2,000 business men who were in a fairly big way. There were about 400 retired government servants – a very valuable element. Lawyers were a small minority – only 288 for the whole country. Some characteristic differences emerged between East and West Pakistan. Of the 40,000 basic democrats in East Pakistan only four per cent. are illiterate. The electors, even if illiterate themselves, insisted upon choosing literate candidates almost exclusively. West Pakistan, less sophisticated and, possibly, with fewer educated persons to choose from, cast its net more widely; illiteracy was no obstacle to successful candidature if the man was forceful, well-liked, and had a reputation for getting things done. It was mainly West Pakistan which raised the proportion of illiterates for the country as a whole to the figure of about one in every seven basic democrats. In my own estimation, this is no disadvantage; it has made the basic democracies an accurate representation of the population as a whole. It should be noted, finally, that the Hindu minority did well, winning nearly 5,000 seats in East Pakistan, and being well represented in Sind and Baluchistan.

The importance which the Revolutionary Government attached to the cross-section of national opinion which the basic democracies provide is shown by the fact that the first thing which it asked the newly-elected members to do was to decide, by secret ballot, whether they wanted Field Marshal Ayub Khan as President and whether they endorsed his policies. It was in pursuance of the same line of thought that the basic democrats were constituted, in 1962, the electoral college for the choice of members of the national and provincial assemblies in Pakistan's new Constitution.

But it is with the function of the basic democracies as organs of local government that I am concerned in this survey; and, in particular, with the part

that they are playing in linking the institutions of local government with the formal administrative structure. With the double object of securing complete representation by including persons belonging to minority and other interests which might not have been successful in the ballot, and of strengthening the basic democracies by an element possessing experience of public life, the Government had retained the right to nominate up to five members for every ten who were chosen directly by the electors. The nominations were based upon recommendations sent to higher authority by the district magistrate, who was required in every case to justify his selection – in which the elected element was almost invariably consulted – on either of two grounds. The nominees must represent elements in the population, or special interests, from which the elected members had not been chosen; or they must add demonstrably to the stock of *expertise* possessed by the body they were to join. The nomination-system was in essence a precautionary measure; it was by no means invariably used. Very often, the electoral process secured so complete a representation of the community that the district magistrate advised that no nomination was necessary. Curiously enough, it was disliked in West Pakistan as 'undemocratic', while in East Pakistan it proved more popular because it strengthened the basic democracies with members who could supply valuable 'know-how'. It may be remarked, in passing, that the system of nomination has now been abolished.

Training courses

The precautionary plan of nomination was perhaps the least important of the measures which the government took to ensure that the basic democrats understood their duties. Far more impressive was the extensive, indeed the nation-wide, network of instruction provided for them. Training courses, usually of two weeks duration, were made available at convenient centres. These courses were the product of intensive experimental work which had been conducted by the two Village AID (Agricultural and Industrial Development) Academies situated at Peshawar and Comilla. Test courses were drawn up, tried out on a small scale, modified, improved, and ultimately finalized after intensive criticism by the Village AID officers who would be responsible for conducting them, and by selected basic democrats who acted as 'guinea-pig' audiences.

The courses set out to tell the basic democrats exactly what they would need to know if they were to fulfil the duties prescribed for them – duties which Mr. Habib-ur-Rahman has outlined in his article. They were instructed in the rules of procedure, in the regulation of discussions, and in the supervision of the minutes which the trained clerk provided for each basic democracy would keep. They were familiarized with the sources of revenue at their disposal, and with the objects to which this revenue should be devoted. They were taught how to prepare schemes of local development both for their own execution, and for submission to higher authority. Quite as important as all this was the instruction which they received in the functioning of the official world of the district and divisional administration. They were taught the position and the responsibilities of every official with whom they would have to deal – revenue, police, education, public health, engineering, civil supplies, and the like. They learned exactly to whom they should apply when they needed advice and help. They also learned who his superiors were, in case they had to complain about him.

These courses proved immensely popular among the basic democrats both of East and West Pakistan; and within a few months, practically all the 80,000 odd members of the union councils, town committees and union committees had passed through them. Illiterate members brought their schoolboy sons with them to take notes, so that nothing should be forgotten. Before long, special refresher courses for the elected chairmen were started. In these courses, particular problems were discussed, and the solutions evolved in various localities to meet a given situation were compared. Tape recordings of actual proceedings and of debates in particular councils were played back for comment and criticism; successes and failures were discussed and analysed.

Outside Pakistan, it is not perhaps generally realized that this nation-wide course of instruction extended beyond the ranks of the basic democrats. Parallel, but of course more advanced, courses were insisted on for officials. At sub-divisional and *tahsil* level, departmental officers were instructed in their new attitudes towards the popular representatives. They were shown how authority must be delegated; how consultation must be arranged; how personal contacts must be established and maintained between departmental officers at various levels and the chairmen and members of the union councils. For heads of districts and their assistants, for senior officers of the technical services – agriculture, engineering, medical, veterinary, co-operative, and the like, there are compulsory advanced courses at the Academies at Peshawar and Comilla. These courses deal with the practical, psychological, and sociological problems connected with village self-help; in methods of encouraging local initiative; and in the functions which must be entrusted to the basic democracies.

What has been the practical effect of these efforts by the Government to close the gap between the officials and the people? To begin with, there was a certain amount of scepticism on both sides. But even senior officers were astonished, before very long, by the value of the contribution which basic democrats from the 'grass-roots' are making to the work of higher-level councils; and district officers soon became enthusiastic at the difference which the basic democrats made to their work. Every deputy commissioner to whom I talked gave me a long list of the practical achievements of the basic democracies in his district – expansion of service co-operatives, roads constructed, land reclaimed, silted-up watercourses drained, new schools, new dispensaries, new afforestation, and the like; generally ending up with the proud claim, "I have the best bunch of basic democrats in the whole country!" From the popular side, the appreciation of the change seems equally marked. "I never knew", one basic democrat said to me, "what a difficult job a government official has until I had to sit down with him and help him do it!" Time and again I heard the remark "the district officers are now our personal friends – they come to our houses, we go to theirs. In the old days, we used to sit on different sides of the table; now we work together as a team." It seems to me that the basic democracies are acting as a bridge across which there is now a two-way traffic between the Government and the people, so that misunderstandings are removed, grievances ventilated, and a healthy feeling encouraged that Government is not omnipotent but is, as a rule, doing its best for everyone. From the official side, it is increasingly realized that basic democracies have passed the experimental stage, and are now part and parcel of the life of the country. More and more responsibilities are being placed on them. Besides their primary work of development – of which more later – they now enjoy extended

responsibilities which include arbitration powers in local disputes, regulation of divorce proceedings to secure strict enforcement of women's rights under Islamic law, administration of relief to the needy and of loans to farmers, and the registration of births and deaths.

The application of the scheme in Karachi

I was curious to find out how the scheme was being applied to an extensive civic complex like Karachi, in which some two million people live. In all, there are 125 basic democracies working, 94 in the municipal area: 17 in the cantonment area: and 14 in the rural area – of which 9 are union councils and 5 are town committees for places like Korangi. In the municipal area, the union committees function like ward committees: and to elect the new municipal committee, the wards were divided into 30 groups, each of which returned one member to the municipality. In the municipal area, the municipal committee holds the purse strings, but the union committees are entitled to put forward development schemes and to follow them up through their representatives on the municipal committees. They can also impose their own cesses – which they are doing very vigorously – for small projects of ward improvement. Ward-life is active: the special problems of an urban population are being carefully studied to promote civic consciousness, local initiative, and the spirit of self-help, along the lines already established in the countryside.

I think that Pakistan is unique in this effort, which I found in other great cities besides Karachi, to apply the principles of community development work to purely urban conditions. The aim is to give the inhabitants of each ward the sense of 'belonging' to a definite community, such as every villager enjoys in the rural areas. The women's organizations play a prominent part in this work. One of the best ways of keeping the basic democracies actively employed and of maintaining their keenness has been discovered to lie in promoting competition between them. The rivalry which emerges between adjoining areas through such institutions as sports gatherings, tournaments, exhibitions, and fairs readily extends to competition in such fields as the establishment of maternity clinics, dispensaries, adult education centres, and other welfare work.

The basic democracies in the Karachi area, I was told, are concerned with two main kinds of development schemes. The first kind comprises all that they can do with their own resources, both on a self-help basis and with the aid of the cesses which each committee imposes to raise its own 'internal' fund. Generally, the committee decides for itself what kind of taxation it will impose, and government rarely interferes, believing that the committee itself is the best judge of whether a tax is practicable or not. I saw a great deal of work being done in this way – cleanliness drives, paving of roads, small drainage schemes, repair of wells, and the like. As a result, Karachi has become a much cleaner place, and it is rare to find refuse lying about. The small shops too are cleaner and food is more generally covered as a protection against flies and dust.

The second kind of development scheme is more elaborate, and is based upon 'external' funds. These are of three classes: first, money set aside by government for specific development activities in such spheres as education, health, birth-control and the like: secondly, money allocated by government for the basic democracies to use for approved schemes for the expansion of local

services, for the building of bridges and embankments, and for other works not figuring in some larger departmental plan; thirdly, money allocated by district councils from their own sources of revenue to basic democracies in connection with district development plans. An interesting feature of all these development projects of the second kind, which depend upon 'external' funds, is that when a plan is first formulated by a ministry or department of government, priorities must be settled in consultation with the basic democracies, which can call the ministry or department to account if nothing much happens. The basic democrats are so closely in touch with the people as a whole that they are well fitted to voice public complaints authoritatively.

At the time when we were inquiring into the application of the basic democracies scheme to Karachi, the training-scheme for basic democrats had been in operation for the best part of a year. Six classes were held every day throughout the area from 6 to 7 p.m.: every single basic democrat had attended them, except for an occasional individual man or woman who had been exempted because of previous long experience of local government institutions. As is the case elsewhere in Pakistan, the actual training was imparted by Village AID officials: it was obviously successful, because the basic democrats were showing keenness and competence in the performance of their duties. On the whole, as might be expected in an urbanized area, the typical basic democrat in union and town committees is fairly well educated, and possesses considerable sophistication. The result is that a second-grade government clerk is proving adequate for the general run of union committees. But in the nine union councils in the rural area, where the members need more guidance, it has been found desirable to appoint clerks of a higher grade.

Basic democracies in rural areas in West Pakistan

To pass from great cities like Karachi, Lahore, and Dacca, with their highly-organized municipal structures, their integration of the basic democracies into an urban framework, and their far-reaching plans for civic improvement, into the remote rural areas of West and East Pakistan is to gain a lively impression of the varied circumstances in which basic democracies are now working. These variations are reflected in the composition of the councils and committees. On the outskirts of the larger towns, it is not unusual to find a union council which has elected as its chairman a retired government official of high standing, and counts among its members a doctor, a surveyor, a sanitary engineer, a building contractor, and perhaps a barrister. In the really rural areas, the basic democrats are almost entirely agriculturalists, with the addition, perhaps, of a retired schoolmaster or a retired member of one of the subordinate services. The former category of council can often supply from its own membership a great deal of the expert advice which it requires for the improvement schemes which it is putting in hand; its suggestions to higher authority are framed with great cogency and formidable drafting ability. Illiteracy among its members is virtually non-existent: the general level of competence is high, and the record of work accomplished, in hand, and projected, is already impressive.

It is the union councils of the second category which really test the usefulness of the whole scheme, and it was among these that we spent most of our time. We felt that if basic democracies worked successfully in typically rural areas, removed by distance and by difficulties of communication from anything but the most occasional official contacts, the scheme would have proved its worth.

We found, in fact, that it is working, and working well. For this, great credit is due not only to the keen interest and astonishing initiative of the basic democrats themselves, but also to the skilful and devoted efforts of the original village AID worker. He, with the bicycle which enables him to cover astonishing distances, was a familiar figure in the countryside of Pakistan. He held a key position in the basic democracies scheme for he was not only a friend and counsellor, but also the connecting link between the government departments concerned with development and the village itself. To him came week by week and month by month, a perpetual stream of information dealing with improved agricultural methods, advice about crop pests which threaten, improved varieties of seeds, precautions against epidemics, advice on all types of elementary construction from improved cooking stoves to new culverts, suggestions for reclaiming waste, and for planting trees. He was always at hand to explain the admirably clear and instructive posters which he sets up on the village notice board, to read pamphlets to the illiterate, and to explain government policy in things which interest the rural population.

In the area where village AID had penetrated, the basic democracies scheme found the ground prepared. The habit of co-operative effort had become familiar: a village council had often been set up: there was an awareness of local needs and the will to satisfy them. But if village AID has helped basic democracies, basic democracies have more than repaid the debt. Every village AID worker to whom I talked told me that his working conditions had been entirely transformed. The basic democrats now back him in all he is doing: they provide him with facilities he had never enjoyed before: they encourage conservatively-minded people to give a trial to the new methods which he suggests: they put their hands ungrudgingly into their pockets to help his work forward.

Wherever practicable, we arranged to attend one of the regular meetings of a union council, so that we could see for ourselves what kind of work is done. In cases where no meeting coincided with our visit, we called upon the chairman, and he was usually able to collect most of his colleagues so that we could talk to them. In a very high proportion of cases, we found that the union council had built a special house for itself, with an office for the chairman, an office-cum-record room for the clerk, and a meeting room for the council itself, which is often stocked with books and periodicals and used as a village library. Sometimes the house was a free gift: one of the union councils in the Montgomery District meets in a house given by a villager, who has moved into a second house he happens to own. In this case, a free dispensary, stocked and maintained by the union council, occupies part of the same premises. In other cases, the elected chairman, if his house chances to be big enough, sets aside two or three rooms for the exclusive use of his union council. But in whatever kind of accommodation a union council is housed, one thing is common to almost all of them. In the meeting room, the walls are covered with charts, diagrams, and tables embodying complete information about the resources of the area for which the union council is responsible: how many men, women and children: how many ploughs, oxen, bulls, cows, sheep and goats: how many tube wells: how many tractors: how much land under what crops: how much waste land, and of what kind. The figures are constantly revised and kept up-to-date, so that the basic democrats have always in front of them the hard facts with which they must reckon.

Local problems are being tackled with enthusiasm and there is a keen and business-like determination to show results. Some of these are remarkable. Take, for example, Union Council No. 20 in Montgomery District – an area which contains 202 union councils. No. 20 is centred on Kadirabad, half a mile from any metalled road. A considerable proportion of the members, including the chairman himself, can neither read nor write: but since the council started work, they have built half-a-mile of link-road, elevated against flooding, and with plenty of culverts: raised the street-level in the village to allow proper drainage on each side: planted 10,000 saplings on reclaimed waste ground – widows and other indigent persons are paid a regular stipend for watering and caring for them; introduced cotton-sowing by drill and secured its acceptance for 75 per cent. of the crop with very beneficial results, and maintained a free dispensary which treats 200 patients a month and is served by a qualified dispenser whom the union council pays to give two hours attendance daily. When we visited this union council, it had just decided that the village AID worker, who had been with it for some time and had helped it greatly, could now move his headquarters to another village in the council's area, which had not been advancing so quickly. The council had collected a good deal of money both by cesses and by voluntary subscription to supplement the government's 'starting-off' grant of Rs. 2,500, and the chairman had contributed Rs. 500 which he had saved up for a wireless set. "My wireless can wait," he said, "until we have got the village on a bit."

To take another example – Deona Union Council in Gujarat District. This serves a population of more than 7,000, living in ten villages. All the basic democrats are literate. The council started work in July 1960, and had held 15 meetings by December. It has dug two tube wells costing Rs. 12,000 on a self-help basis; it has built a high school and found Rs. 5,000 towards the cost; it has set up two soil conservation centres; brought 200 acres of land under new irrigation, paved village streets, removed rubbish heaps, and dug refuse pits, and it has set up two development societies with a capital of Rs. 14,000 to give loans for productive schemes, and it is planning a third.

We also attended meetings of town committees. As a rule, they have more money to spend than union councils because their resources are greater; we found that they were generally spending it intelligently and liberally.

The work of the *tahsil* councils is mainly of a co-ordinating nature. Haripur is a good example. It meets monthly, and deals with schemes which come up to it from the 30 union councils for which it is responsible. Haripur is prosperous, and many of the union council chairmen in the area have returned to government the initial grant of Rs. 500 which each of them receives as an honorarium. Free gifts of land (worth Rs. 10,000 or Rs. 15,000) on which union council offices have been built are not unusual. The *tahsil* council finds that the main questions sent up to it by the union councils refer to such matters as taxation powers, fund raising, extension of irrigation, construction of new roads, girls' education, and adult literacy campaigns. At a higher level, again, the district council is concerned mainly with schemes which come up from the *tahsil* councils although, as already noticed, there is a strong element of union council chairmen who sit side by side with the deputy commissioner, officials of the development directorate, and representatives of technical departments. We were not able to attend meetings of the divisional and of the provincial councils, since we were concentrating mainly on the lower tiers; we felt that if the union,

tahsil and district councils are working well, the success of the superior councils is assured. We were interested to learn that small but high-powered 'flying squads' have been set up to visit each division to ensure that development work is pushed on quickly, while each divisional commissioner now has a 'flying squad' of his own to keep the deputy commissioners in his area in line with the general advance.

Basic democracies in East Pakistan

The working of the basic democracies in East Pakistan, for particular reasons, some of which have already been explained, presents fewer problems. In comparison with West Pakistan, the population is more sophisticated, the level of literacy is higher. Further, the union boards of East Pakistan, in spite of their obvious deficiencies in certain directions, had trained the people in the rudiments of local government and given them an advantage in this respect over the people of West Pakistan. In East Pakistan, rural areas had become accustomed to the operations of the debt settlement board and of its local representatives; co-operative effort in many directions had become a well-established feature of village life. The new union councils have inherited from old union boards, along with other valuable assets, a working financial system based upon 23 well-established items of taxation. Broadly speaking, therefore, the basic democrats of East Pakistan have not found it necessary to supplement their resources by voluntary financial contributions in the same way as their colleagues in West Pakistan, where taxation-powers are entirely novel and, in the earlier stages, have depended far more on local initiative. East Pakistan pins its faith to voluntary labour, rather than to voluntary subscriptions, for initiating and carrying on local development schemes.

In the eastern, as in the western wing, the village AID movement has proved invaluable in setting the stage for basic democracies; the village AID Academy at Comilla, with its frequent conferences for civil servants, circle officers, school teachers, development officers, *ansar* (cadet) leaders, and others, builds upon the foundations already laid by its scientifically-framed training courses devised for basic democrats and administrative officials. Its influence spreads far and wide. Thanks to a unique arrangement, the Comilla Academy is now the development authority for the *thana* in which it is situated; a *thana* council, held in the Academy, provided us with the opportunity of meeting the members. Their interest in local development schemes put up by the union councils was both helpful and constructive; the standard of work was impressively high. We visited some very progressive villages in its area whose economy has been wholly transformed for the better by water-storage schemes and by the installation of co-operatively-owned electric pumps, which make possible winter crops and provide employment during what has hitherto been the slack season. The plan has remarkable potentialities for many other parts of East Pakistan.

The institution of basic democracies has supplied a fillip to East Pakistan at least equivalent to that which it has administered to West Pakistan. We visited a number of union councils, and were favourably impressed by the progress which is being made. The basic democrats to whom we talked spoke warmly about the change that has come over the official attitude – they feel that the officers and the people are now on the same side, instead of being in opposite camps. One change that we noticed is the greater prominence of village women

in development activities; they are now getting together, starting their own co-operatives, attending classes at centres like the Comilla Academy for instruction in poultry-raising and sericulture, and interesting themselves actively in adult education. Few of them are basic democrats, except in the larger towns, but more than half the female electorate registered their votes in the elections, and they keep closely in touch with all that the union councils, union committees and town committees are doing.

As in West Pakistan, there is a noticeable difference between the highly-educated, highly-powered basic democrats in the vicinity of the larger towns, and the members of the union councils in remote areas such as the Chittagong Hill Tracts – where the smooth working of basic democracies has been temporarily complicated by large movement of populations under resettlement schemes resulting from the Kaptai project. But the general level of keen interest, hard work, and hopefulness was noticeably high. Everywhere government and the people are closer together than they have been before; East Pakistanis no longer think of themselves as living in a neglected backwater.

Conclusion

Our tours of East and West Pakistan have shown us that the scheme of basic democracies is now rapidly passing beyond the experimental stage, and is providing a new stimulus to nation-building activities throughout the country. On the twin foundations of self-help by the people, and team-work between the people and the government, the stable edifice of the Pakistan of the future can safely be erected.

THE REORGANIZATION OF COURTS IN TANGANYIKA[1]

DURING the session of Parliament that has just ended, I explained to members the policy of government towards the future of the local courts and the changes which were already being put into effect: I would like to take this opportunity to explain to listeners of the Tanganyika Broadcasting Corporation the important decisions that the Government of Tanganyika has taken about the courts of justice to which all persons, whether involved in criminal or civil proceedings, must have resort for the determination of their cases.

As soon as it can be planned and put into effect, there will be one court system for the whole of Tanganyika. This will achieve the complete separation of the judiciary from the executive, which has always been government's declared policy. There will be primary courts – where today there are local courts. There will be district courts – where today there are subordinate courts. There will be over these courts the High Court of Tanganyika which will control the lower courts, all of whose court holders will be members of our Judicial Service from the Chief Justice at the top down to the court holders in the smallest rural village.

What progress has been made towards carrying out this policy? The first stage was reached at the beginning of this year when all appeals from the judgement of the district commissioners' courts of appeal went for the first time straight to the High Court.

The second stage has now been reached as a result of the new laws that Parliament has recently passed. Today all local courts come under the Ministry of Justice; the appointment and dismissal of *hakimu* (court members) are subject to the approval of the Minister for Justice. Today appeals from local courts and local courts of appeal lie *not* to the district commissioners but to the magistrates in the area of the local court. These magistrates have been transferred to the establishment of the High Court and come under the control of the Chief Justice. They will help the professional resident magistrates in the hearing of criminal cases and theirs will be the responsibility as regional local courts officers for supervising, guiding, inspecting local courts and hearing appeals therefrom. So that justice can be done without undue delay, the *bwana shauri* in district offices will be granted very limited powers so as to be able, when magistrates are on safari, to deal with such matters as remands, bail applications, and the issue of summonses. This second stage was reached on 1st July, 1962.

Meantime, a committee is at work planning the full integration of all the courts. You will readily understand that this is a big task. Today all local courts in rural areas belong to local authorities and court holders, and are the servants of the local authority. So are the court clerks, many of whom undertake other work, such as tax collection, besides doing court work. For government to take over the direct control of all local courts and staff many matters must first be decided and I will give a few examples :–

(*a*) the financial implications both to government and to local authorities;

(*b*) the terms of service for primary court magistrates and clerks;

[1] This is the reprint of a broadcast to the people of Tanganyika by Chief Fundikira, the Minister of Justice, on the 18th July, 1962.

(*c*) the writing of a new law to set up the courts, and procedure therein and the powers to be accorded;

(*d*) how best to make the law common to all persons and application to all persons before all courts. This may sound easy, but if you ask yourself "if we have one system of courts with jurisdiction over all citizens, how can customary law in civil cases be made to apply to everybody", you will see at once that the problem needs very careful thought, because customary law, by its very name, is usually regarded as applying to the inhabitants of a particular area who have their own particular customs.

These are just some of the problems being faced. When they are resolved your government is determined that Tanganyika shall have a completely independent judiciary from the lowest courts to the highest.

Finally, I would like to quote the words of Mr. Julius Nyerere, when he opened the University College of Dar es Salaam:–

"It is essential in a democratic society which believes in equality for all its citizens, that every individual should be subject to the law. Further, it is of paramount importance that the execution of the law should be without fear or favour. Our judiciary must be independent of the executive arm of the State. Real freedom requires that every citizen feels confident that his case will be impartially judged."

Book Reviews

BRITISH COLONIAL LAW: A comparative study of the interaction between English and local laws in British dependencies, by T. O. Olawale Elias; *Stevens;* 1962; 70s.

DR. ELIAS' object, as stated in his preface, is "to discover, as far as possible, what the apparently piecemeal legal systems in the British overseas dependencies have in common, in what respects they differ, and why they differ not only from each other, but also from the imported law". One must pay a tribute to his plan, but he leaves us asking questions to which the answers are not apparent.

He deals with subjects such as contract, tort and crime selectively, examining points of law in individual countries, particularly decided cases, which possess, or may possess, more than local significance. Was his selection of points for treatment governed by cases and statutes which he happened to discover in a limited course of reading? He can hardly have undertaken himself *close* study of the statute books and law reports of all the colonies and other dependent territories, including those which have recently become independent. The results of his method are that parts of the book are patchy and somewhat disjointed, and that it cannot be really useful in any particular branch of law for a practitioner. For that purpose such a book should cover the whole field. A more intensive effort by a team of research workers would produce something of greater practical value.

In his endeavour to find common patterns or principles he has generalized too much. And is he not inclined to disregard differences in local circumstances and to assume that the law, say, in West Africa has greater relevance for, say, the West Indies or the Far East than is likely to be the case? Some of the decisions of the courts which he quotes appear to depend largely on questions of statute interpretation, so that their value in a country where there is not a statute in more or less identical terms cannot be great; and one or two cases seem to have no particularly 'colonial' features.

In short, we have no clear answer to the question, to what extent is there such a thing as 'British Colonial Law' in all spheres in which he tries to find it? If, contrary to appearances, this work represents all that thorough research can produce, then the answer seems to be in the negative. Dr. Elias is, of course, unquestionably justified in seeing fundamental uniformity in constitutional law, and certain other subjects, such as the judicial hierarchy and the recognition and development of indigenous law; and on these matters he will be read with interest even if one does not always agree with him.

A serious point of criticism which cannot be ignored is that the book contains too many errors for it to be regarded as a reliable authority. One must wonder again whether, single-handed, it was possible for the author to devote enough time to study. His chapter on Judges in the Colonies begins with a description of the method of appointment, which is inaccurate; it is certainly not 'well established' that since the Act of Settlement English judges can only be removed by an address of both Houses of Parliament; and *Terrell's* case does not represent a "well-established procedure of an action in the Queen's Bench Division" for removal of a judge. The author's statement that all colonial judges hold office during His Majesty's pleasure is some years out of date; for many decades

it has not been correct as a matter of fact, but only from the strict legal point of view, and it is surprising that Dr. Elias does not discuss the rule laid down administratively since 1870 that a colonial judge should never be removed except after reference to the Judicial Committee of the Privy Council. His preface bears no date and delay in publication (in 1962) may account for the omission of reference to the large number of constitutions in which this procedure has been given statutory force.

Such delay, however, cannot explain certain other out-of-date passages, as "no colonial legislature may alter the general principles of the English common law as applicable in England" (a question on which doubts were set at rest by the Colonial Laws Validity Act, 1865) and the phrase "protectorates like the Federated Malay States", a federation of protected states which disappeared when the Malayan Union was set up in 1946.

There are some errors of real importance, particularly in the sphere of constitutional law. For example, parliamentary legislation is *not* required for the transfer of territory to the Crown; an English judicial decision on the common law can *not* prevail over an existing colonial statute; and the section on methods of creating colonial constitutions needs extensive correction.

It is a matter for great regret that one cannot give a warm recommendation to a book bearing a title which held out the hope that it would supply the deficiencies of Tarring (not 'Tatting', presumably a printer's error, though strangely copied by at least one reviewer). Perhaps one may, with respect, suggest that Dr. Elias might follow up this preliminary excursion by devoting his learning and talents to a far smaller field in which he would have a chance of digging much deeper and then building much higher. There is some interesting and well fabricated material here which would, to say the least, help to lay the foundation for such an edifice.

K. R-W.

A HISTORY OF SIERRA LEONE, by Christopher Fyfe. *Oxford University Press*, 1962; pp. vii + 773; 84s.

IN 1961 Sierra Leone achieved independence as a full member of the Commonwealth. Behind this event lay nearly two centuries of hopes and disappointments, idealism and frustration. Its history is strangely different from that of any other British colony or protectorate in Africa, and the events of the last few years have followed a very different pattern from those of Ghana, Nigeria, Kenya and Tanganyika. The explanation of this is to be found largely in the presence there of the Creole community, with its high degree of education and with its thoughts turning to England rather than to Africa.

The early history of the Colony of Sierra Leone has never before been adequately recorded. In this volume Mr. Fyfe has given us at last a full and scholarly picture of the story from the first coming of the settlers in the late eighteenth century to the beginning of the nineteenth century. It is a truly distinguished work, based on many years of detailed research on the records in Freetown, in England and in America. And yet, despite the meticulous scholarship that lies behind the work, it is a fascinating human story. Mr. Fyfe has successfully recounted the hopes and idealism of the early promoters – Jonas Hanway, Granville Sharp, Wilberforce and Whitbread; but he also shows the

other side of the picture – the disappointments and reverses which met them, and the selfishness, personal ambition and physical misfortunes against which they struggled to realize their vision of an enfranchised community in the Land of Freedom.

A peculiar feature of this ideal was that its champions gave little thought to the problems of the native inhabitants, and did not relate it to the society of the country. It was an isolated colony, looking for its customs and ideas to England rather than to Africa. Individual men, such as the Creole leader, Edward Blyden, might preach the gospel of Africanism, but they were ignored and Freetown grew up, divorced from the people of the hinterland. Mr. Fyfe himself has restricted his writing to the history of Freetown and the Colony, ignoring the rest of the country except when it affected the lives of the settlers. He cannot be blamed for this, for his subject was vast enough in any case. But one may hope that he may one day be able to complement his work with a study of the history of the tribes and races of the provinces.

The title of the book is therefore somewhat misleading – the book is really a history of the Creoles of Sierra Leone up to the beginning of the present century – a fact which would have been clearer if he had included a table of contents, instead of giving his chapters numbers, but no titles.

Some such limitations of space and time were however, necessary, and are in themselves no valid ground for complaint. As it stands, the book contains over seven hundred pages, closely packed with fact. There can be no question that this is a really valuable piece of historical research and will remain as the standard work on the subject. Mr. Fyfe is to be congratulated on his skill in research and his ability to build from his materials so coherent a story.

B. K-L.

POLITICAL ADVANCEMENT IN THE SOUTH PACIFIC, by Francis West: *Oxford University Press, Melbourne:* 1961; pp. xi + 188; 35s.

Dr. West's study covers three Pacific dependencies, each with a Polynesian population and all administered by different metropolitan powers: Fiji, Tahiti and Samoa, dependencies, respectively, of Britain, France and the United States. Fiji, with its Indian and resident European population, is a 'plural' society. The other two can be regarded as homogeneous for political purposes, though for very different reasons. In Tahiti the populations of French and Tahitian origin are not distinguished, are commonly united in hostility towards civil servants from metropolitan France, and now participate without discrimination in political institutions on a wholly French model. In American Samoa all are American citizens; part-Samoans may be distinguished from those of full blood by the fact that they cannot succeed to the titles which give Samoan rank, but they all vote together for the House of Representatives.

Dr. West recognizes the dilemma of every administration that is committed both to social and to political advancement. It is no longer possible to assume that traditional authorities can be inoculated with the virus of enlightenment and pass it on to their people; yet it is often the fact that they still have too much influence to be ignored. There are not many places in Africa where it would still be said of rule by chiefs, as he says of the Fijian Administration in

Fiji, that it is generally accepted as comprising the institutions 'through which public aspirations will naturally and normally be satisfied'; yet there are some where chiefs have managed to ensconce themselves in a practically impregnable position.

In Fiji Ratu Sakuna genuinely wished to see a hierarchy of traditional councils promoting an orderly progress of modernization of Fijian society, but his less well-educated fellows and successors have on the whole thrown their weight on the side of the *status quo*. Nevertheless, the Fijian Affairs Board does control a budget, and is to that extent a policy-making body. Its nearest counterpart in Samoa is the Local Government Council consisting entirely of chiefs, but this body does not have its own budget. The Samoan legislature itself has not up to now had this function, since the territory has depended almost wholly on American subventions. The legislature has a lower house elected by universal suffrage (by a somewhat apathetic electorate) and a second chamber elected 'by Samoan custom'. The general harmony between the two houses is an index of Samoan conservatism. In Dr. West's view the committee system, by enabling small groups to discuss specific questions with civil servants, has a valuable educative influence.

As Dr. West points out, we know more about Tahitian society two hundred years ago than we know about the changes made in it by French rule. We cannot tell whether it was enough merely to ignore the existing authorities or whether they had to be forcibly prevented from exercising command; nor can we guess whether in fact it would have been just as easy everywhere else to start with a clean slate. But Dr. West notes that, although there are no office-holders with vested interests to obstruct change, it is as difficult in Tahiti as it is in his other two examples to enlist the villagers on the side of technical progress. Does not this suggest that there are more questions to be asked? Furnivall, whom Dr. West quotes, said one problem was to get people to 'want what they need'. He was ready to assume that, when government effectively represented 'the general will', the populace would readily follow enlightened leaders. Dr. West, too, sometimes implies that once people are convinced of the legitimacy of a government they should be expected to do what it asks of them. Alas, there are some problems that no constitution-making can solve.

L.P.M.

DELEGATION AND AUTONOMY, by Arthur W. Macmahon, *Asia Publishing House, Bombay, for the Indian Institute of Public Administration, New Delhi*, 1961; pp. 176 with index; 21s.

THIS book is based on a series of lectures presented by Professor Arthur W. Macmahon, Eaton Professor Emeritus of Public Administration, Colombia University, to the Indian Institute of Public Administration early in 1960. It is a wide-ranging survey of many of the problems which arise from the need in the modern state, as in large-scale enterprise, to decentralize and to delegate responsibilities if programmes are to be fulfilled efficiently. Approximately one-third of the book is devoted to the problems inherent in any system of decentralization to field and local government units. Another third is given over to the discussion of the role of the legislature, the administration and the judiciary in regulating economic activities particularly, although not entirely, activities

in the private sector. In this there is a considerable discussion of the use of autonomous regulatory boards in the United States such as the Inter-State Commerce Commission, the National Labour Regulations Board, the Federal Reserve Board and the Tariff Commission. Little comparison is made with comparable bodies in India, although Professor Macmahon does draw attention to the Licensing Committee for the Allocation of Foreign Exchange, and to such other relatively autonomous bodies as the All India Khadi and Industries Commission. The experiences in the United States in this field should be given careful study by Indian students of public administration for considerable store is set in their country on bodies with an independent and quasi-independent status. The last portion of the book discusses public enterprises in the light of the need to ensure that necessary measure of political control whilst stimulating the exercise of initiative by the organization. Here the United States experience has provided the author with ample material to discuss the type of boards best suited to satisfy these requirements.

The author expresses his regret that the field of comparison with India was not wider and that he could not apply more specifically his analysis to the Indian scene. This should not be a serious defect for the Indian scholar who should be able to draw his own comparisons from this exceedingly careful and detailed discussion. It has merit too, for those in every country who are concerned with the major problem of providing for the diversity of things as they are, both in social affairs and economic enterprises, and yet maintain some kind of integrated pattern which is satisfactory both politically and administratively. Stemming from this provision for diversity must also come that freedom for decision-making and action without which no initiative and no self-generating existence for the subordinate body or organization is possible. What Professor Macmahon says about public enterprise could be applied with advantage to all aspects of government – "The emphasis properly falls upon vigorous, imaginative and orderly management". How to secure that and at the same time to ensure integration is the concern of this book. Here is a scholarly study of certain aspects of this problem which has solid worth for both student and administrator for, in the American context, it deals with questions of wide applicability in any modern state.

Author, Institute and Publishers will regret that these studies have taken so long to reach the public. Modern delays in publication are a particular danger for the writer in the field of public administration as subsequent events can prove simple statements wrong. Thus (page 74) "despite proposals from the centre, states have not agreed and are not likely to agree to the creation of an additional all-India service". Since this was written at least two all-India services have been approved. Cannot the production of books in this field be accelerated?

HENRY MADDICK.

NEW SOCIETIES OF TROPICAL AFRICA, by Guy Hunter; *Oxford University Press for the Institute of Race Relations*, 1962; pp. 360 + xviii; 42s.

IN the blurb we are told that Mr. Hunter spent two years between 1959 and 1961 on research, including intensive field work in Africa, before writing this important book. He enlisted the help of study groups and specialists as well as

consulting a fairly wide range of authorities. The book had its origin in the conviction of a leading businessman, with wide interests in Africa, that the African picture with which managers of businesses in Africa were faced had radically changed from that to which they had been accustomed, and that it was important that someone should repaint the contemporary background so that those working in Africa should have a reliable basis for their assumptions and policies. The sponsors were fortunate in obtaining for this purpose the services of Mr. Guy Hunter. He writes in a lucid, objective and attractive style.

On hearing that Mr. Hunter had been chosen for this task, one feared that his work would be so much out-of-date by the time it was published that it would be of little value as a contemporary guide, but these fears have not been realized. The theme which, after an historical introduction, concerns largely economic development, labour and education, ending with a review of political and social change, is painted with a broad imaginative sweep which for the most part transcends ephemeral change and draws conclusions which have lasting application, however controversial some of them may be. It is a brilliant and, for the most part, a well-balanced survey which deserves to become standard reading for all wishing to obtain an overall knowledge of current trends and forces in contemporary tropical Africa.

The fasionable denigration of past colonial government actions and policies is less in evidence than in much contemporary writing on Africa, in spite of the fact that the author has relied largely on more recent material to support his thesis. Students of Africa will not find the general descriptions of land tenure entirely satisfactory; the early use of tribal elders in the Northern Rhodesia Copper Belt were certainly not 'out of place' at the time they were used (page 217); the Chagga Tribe in Tanganyika did not have an hereditary paramount chief (page 336). Nor is it true to say that "colonial governments took some time to discover that a great many African societies did not possess chiefs or that chiefs were not sole administrators" (page 299). This is far too sweeping. Mistakes were made in some places sometimes in regard to the position of chiefs, but they were exceptional. Certainly Lugard, the father of so-called 'indirect rule', fully appreciated the position of chiefs and set it out in his 'dual mandate', though some of his disciples had lapses.

But one should not niggle if Mr. Hunter's sources have failed him here and there. The inaccuracies are quite remarkably few and do not affect his general themes. The book does not pretend to be a treatise on administration, which is in fact only referred to in passing here and there. It does what it sets out to do, and that is, it describes contemporary African societies, their attitudes and problems. Mr. Hunter's art and lucidity shine through and illumine the most turgid subjects and the result deserves a place of honour as one worthy sequel to Lord Hailey's "African Survey".

R.S.H.

OTHER BOOKS RECEIVED

ETHNOGRAPHIC SURVEY OF AFRICA; East and Central Africa, Part XIII; The Western Laccustrine Bantu, by Brian K. Taylor. *International African Institute, London*, 1962; pp.xi + 159, 2 maps; 21s.

This latest volume of the excellent ethnographic survey of Africa, edited by Professor Daryll Forde, deals with the Nyoro, Toro and neighbouring tribes, or perhaps ethnic groups, of western Uganda and north-western Tanganyika. It is well up to the high standard set in this series, invaluable as reference books for all students of Africa.

MARRIAGE AND THE FAMILY IN NORTHERN SOMALILAND, by I. M. Lewis. East African Studies No. 15; 1962; pp. 51; 10s.

A monograph based on field research. It describes marriage and family life among the pastoral Somali nomads of North-East Africa.

THE PLATEAU TONGA, by Elizabeth Colson. *Manchester University Press*, 1962; pp. xv + 237; 32s. 6d.

Studies of the religion and customs of the Plateau Tonga society in Northern Rhodesia.

LAND REFORM AND DEVELOPMENT IN THE MIDDLE EAST, by Doreen Warriner. *Oxford University Press*, 1962; pp. xi + 238; 21s.

The aim of this book is to consider the need for agrarian reform as a means of raising the standard of living, in relation to the economic development of Egypt, Syria and Iraq. The main argument is that though the three dynamics of change – revolution, private enterprise and money – have each transformed the setting of rural poverty, and to some extent have reduced it, only the three combined can be effective in raising the standard of living of the peasant.

SENEGAL, by Michael Crowder. Published for the Institute of Race Relations by *Oxford University Press*, 1962; pp. 104; 7s. 6d.

A study in French assimilation policy.

THE PENGUIN AFRICAN LIBRARY has been launched with four books providing background information to current events in Africa.

A SHORT HISTORY OF AFRICA, by Roland Oliver and J. D. Fage; pp. 280; 5s.

PORTUGAL IN AFRICA, by James Duffy; pp. 240; 4s. 6d.

THE ARAB ROLE IN AFRICA, by Jacques Bauli; pp. 140; 3s. 6d.

AFRICAN PROFILES, by Ronald Segal; pp. 352; 6s.

YORUBA LAND LAW, by P. C. Lloyd. Published for the Nigerian Institute of Social and Economic Research by *Oxford University Press*, 1962; pp. xii + 378; 40s.

An analysis of the nature of customary land law and its relationship with the social and political structure of the various Yoruba sub-groups.

Reports

FARM SETTLEMENTS IN EASTERN NIGERIA

REPORT OF THE ECONOMIC MISSION, 1961; Official Document No. 5 of 1962. *Government Printer, Enugu;* 1s. 6d.

EASTERN NIGERIA DEVELOPMENT PLAN, 1962-68; Official Document No. 8 of 1962. *Government Printer, Enugu;* 2s. 6d.

A description of the Malayan Federal Land Development Authority[1] featured in the last issue of this *Journal*. An economic mission from Eastern Nigeria has recently recommended the initiation of similar farm settlements to those in Malaya. The mission, led by Dr. Okpara, the Prime Minister, set out to see how countries like Malaya, Ceylon and India have approached their economic problems and how countries such as Israel, Western Germany and the United Kingdom could be more closely associated in the economic development of Eastern Nigeria.

The mission decided that priority should be given to agriculture – particularly the production of sufficient food and adequate commercial crops to meet the requirements of new industries and of export needs. Apart from encouraging plantation agriculture, organizing more effective extension services, and developing farmers' co-operatives, research and irrigation, it decided that one of the ways to realize agricultural progress was the establishment of farm settlements. The following is an extract from the text of the mission's report:–

> ". . . Our models are the Israeli *moshavin*, a specimen of which we saw at Lakhish, and the Malayan settlements at Kemendore. The Lakhish development area in Israel is a planned area made up of many villages, built in such a manner that five or six 'villages' cluster around a functional centre. These village centres, as they are called, provide a wide range of services, civic, commercial and industrial. These villages were built by having persons in groups of eighty possessing the same ethnic background, that is people who came to Israel from the same mother country, put together in a village. A number of villages inhabited by different ethnic groups are made to have a common centre.
>
> This project and many similar ones are organized by stages. First, the settler on arrival is given a temporary house and a little sum of money to grow cheap vegetables. He is then employed as an agricultural labourer by either a private or public operator, who works the whole arable land of the new village. In this way the responsibility and onus of making decisions is not thrown immediately on the shoulders of the new settler but on that of the operator. He therefore gains an opportunity of becoming acquainted with local conditions, agricultural seasons and methods of crop production.
>
> After working for approximately one year as a full-time labourer, the settler's wages are reduced and correspondingly he is given more acreage of land to cultivate. The settler at this stage derives half his income from work-

[1] See *J.L.A.O.* Vol. 1, No. 3, July, 1962.

ing as a labourer and half by cultivating the land now given to him. In the fourth year of the settlement's life, the contractor or operator withdraws and the settler takes over the whole plot of land and then draws his income entirely from the proceeds of the farm.

In Israel few of the settlers or, to use a more appropriate term, the refugees, can find the capital from their own resources to develop their own farms and build their own houses. Money is therefore raised by the government or the quasi-government bodies. The Settlement Authority, a government agency, invests some £4,000 in each farm for such requirements as houses, equipment and seeds. But this capital is provided in kind by supplying the individual farmer with implements suitable for his specific needs. These items are provided on a hire-purchase basis and they remain the property of the Settlement Authority until they are paid for.

In Malaya the procedure is slightly different, although broadly the principles are the same. There, as in Israel, there is a functional centre around which a village is built. The common centre contains the community centre, the mosque, the playing fields and the co-operative shops. At first the whole area of land is worked by a contractor who does the clearing and the planting. At this stage the settlers are not allowed to bring in their families, which they can only do when their permanent quarters, for which money is loaned to them, are built. When the plants are grown, the whole estate is divided among the settlers by lots. Each individual gets ten acres of land, six of which have been planted with rubber, two-and-a-half acres with rice and the rest with fruit trees. Any settler may own animals. Here, as in Israel, settlers are not allowed to sell, lease or sub-divide their land. The settler and his heir can, however, keep the land in perpetuity.

The first thing to note about the schemes both in Israel and Malaya is that the building of such settlements is an organized means of providing landless peasants or refugees with land from which they can make a decent living without being hampered by landlords. In Israel particularly, there was a major problem of providing permanent homes for many Jews displaced from other countries. Farm settlements have also been developed as pilot projects for the guidance of farmers, particularly in Malaya.

As these settlements are organized, agriculture is intensively pursued, better techniques are applied, better seeds are used, and products are marketed in common. Agricultural productivity is therefore increased. Israel produces more milk per cow in its *kibbutzim* than anywhere else in the world. With increased agricultural production goes the eradication of unemployment and under-employment.

It is true that in Eastern Nigeria to-day the problem of resettling people does not arise. Every person has land either individually or communally owned. The main problem therefore is that of improving agricultural productivity and at the same time keeping everyone fully employed all the year round. The settlements seem to us to be the best organized method of achieving this. In Israeli and Malayan farm settlements, an almost illiterate farmer is taught the modern methods of farming and is made to apply them: this can also be done in Eastern Nigeria.

There is, however, in Eastern Nigeria, a growing population of primary school leavers, unskilled in trade, but yet unwilling to embrace agriculture as a life-long occupation. These young men do not live in villages and are

sources of irritation in the townships. Because agriculture is still primitive in the villages, they cannot be easily persuaded to return to the village to work in the farms. They, like the Israeli refugees, require some sort of resettlement as the only effective means of attracting them and keeping them on the land. The scare of any future unemployment on a large scale will therefore be met.

The problems in Malaya and Israel are slightly different from the problems in Eastern Nigeria and the resources available to the three governments vary greatly. While, therefore, it is recommended that the idea of farm settlements should be imported into the region, we hope that costs will be as low as possible. Without falling into the temptation of going into details in a general report of this nature, we feel that any settlement to be planned must take into consideration the following salient points:

(i) initial work in a settlement should be done in common by all the settlers;
(ii) as soon as farms develop, property should be shared and owned individually. The idea of the Israeli *kibbutzim* should be discarded;
(iii) farm settlements should, as far as possible, be cosmopolitan in nature. Settlers should represent a cross-section of Eastern Nigeria – Ibos, Efiks, Ijaws;
(iv) both the married and the unmarried should be allowed in more or less on a fifty-fifty basis;
(v) there will be compulsory saving by settlers at least initially and allowances will be fixed in accordance with marital status. The compulsory saving will be used towards defraying the cost of the initial expenses such as the erecting of houses;
(vi) fragmentation of the farm land should be prohibited by law . . ."

The Government of Eastern Nigeria has included financial provision[2] for farm settlement schemes in its 1962-68 Development Plan. These will aim at the development of settlement villages for new and well trained agricultural settlers on land acquired by the government in selected areas throughout the region. Between now and 1968, the government intends to establish a number of settlements, each accommodating some 720 farmers on about 12,000 acres of land. Negotiations for seven sites are already in progress and final details of the scheme are being worked out in conjunction with other projects in the Development Plan which aim at the establishment of new smallholder farms.

[2] £709,000 in 1962-63 and a total of £6,125,000 for 1962-1968.

Legislation

LAND

UGANDA — *The Public Lands Ordinance*, 1962

THIS Ordinance implements the report of the Uganda Constitutional Conference, 1961, insofar as it relates to land. It establishes the Uganda Land Commission, the Buganda Land Board and administration land boards, outlining their membership, procedure, functions and powers.

Crown land is vested in the Land Commission and land boards and in the public bodies mentioned in the report, as public land, the control and management of which is to be on the lines of the existing provisions of the Crown Lands Ordinance. Existing rights and liabilities in Crown land are preserved, and the Governor can suspend the application of the Ordinance if he is satisfied that it conflicts with any Agreement relating to Ankole, Bunyoro or Toro.

The most important miscellaneous and supplementary provisions are those conferring power to intervene if a land board is failing in its duty; those providing for the transfer to the appropriate land board of land vested in a public body if the land ceases to be used for the purposes of that public body; and those providing for the change in the vesting of land to conform with any change in the boundaries of districts or urban areas.

There are also provisions for the compulsory acquisition and use of public land for public works which are intended to remain in use until a comprehensive Ordinance dealing with this subject is enacted.

LOCAL GOVERNMENT

NYASALAND — *Local Government (District Councils) (Amendment) Ordinance*, 1961

As a consequence of the introduction of the ministerial system, this Ordinance transfers to the Minister of Natural Resources and Local Government most of the powers previously exercised by the Governor and the Governor-in-Council. The Ordinance further provides election for seats on district councils as soon as possible and makes the Governor-in-Council, instead of the Governor, the authority for prescribing voting qualifications.

It also removes from the principal Ordinance the special provisions relating to race. There were two of these. The first allowed any district councillor, who thought that a decision of the council adversely or unfairly applied to any race to require the chairman to refer the decision to the Governor-in-Council for a ruling. The second forbade councils to impose rates, taxes or cesses on any but Africans. In future a council will be empowered to levy an annual rate on all persons and, in addition, in any specific area, a rate as a contribution towards the cost of any permanent works to be constructed there by the council for the benefit of the inhabitants. Provision is made for the appointment of a president and for the election of a chairman of a council and its committees.

The number of public officers who may inspect the administration of a council is increased.

The District Councils Elections Rules 1962 have been made by the Governor-in-Council. These rules enfranchise all adults who have resided for three months immediately preceding the poll in the electoral area where they claim a vote. A candidate for election must have resided for a total period of three years in Nyasaland and for six out of the past twelve months in the electoral area in which he is standing. The nomination of a candidate must be sponsored by at least six voters.

LAW

NORTHERN NIGERIA — *Provincial Administration Law No. 2/1962*

THIS law provides for the transfer of the powers of residents, who are civil servants, to provincial commissioners, who are to have ministerial status but are not to be members of the Executive Council. Further legislation will permit the delegation of powers now exercised by other ministers to them. The law also provides for the creation of provincial secretaries, who are civil servants with relationship to the provincial commissioner similar to that of a permanent secretary to his minister; but will also be subject to the directions of these ministers who are members of the Executive Council, whose directions will prevail in case of conflict. There are powers of delegation given to the provincial commissioner.

Section 9 empowers the Premier, through the provincial commissioner, to direct a native authority to carry out any functions vested in it by law or by custom.

GENERAL

NYASALAND — *The Education Ordinance*, 1962

AMONG the provisions in this Ordinance, which is designed to promote and control primary and secondary education for Africans in the Protectorate, are powers enabling the declared local government authorities to be local education authorities. Section 11 makes it mandatory for such authorities to appoint education committees. The duties of the local education authorities include the duty to implement government education policy for primary education, to provide and spend funds and generally exercise control over primary education, subject to certain central controls. The powers and duties of the authorities are set out in detail, and also the constitution and powers of education committees. An education committee is to have an executive officer, whose duties include inspection.

The Ordinance also enables the Governor to appoint a local education board in any area for which no local education authority is established. The powers and duties of local education boards are similar to those of local education authorities, except that they are keyed to the ministry rather than to the local authority.

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